പ്രതികൂലിക്കുന്നവർ .....

2-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നം സഭ അംഗീകരിച്ചിരിക്കുന്നു.

2-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

1-ാം വകുപ്പും പീഠികയും പേരും

1-ാം വകുപ്പും പീഠികയും പേരും ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

1-ാം വകുപ്പും പീഠികയും പേരും ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നം സഭ അംഗീകരിച്ചിരിക്കുന്നു.

1-ാം വകുപ്പും പീഠികയും പേരും ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

ഭക്ഷ്യ-വിനോദസഞ്ചാര-നിയമ വകുപ്പുമന്ത്രി (ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ നായർ) : സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ട് ചെയ്ത പ്രകാരമുള്ള നിയമസഭാംഗങ്ങൾക്ക് പെൻഷൻ നൽകുന്നതു സംബന്ധിച്ച 2000-ലെ കേരള (ഭേദഗതി) ബിൽ പാസ്സാക്കണമെന്ന പ്രമേയം ഞാൻ അവതരിപ്പിക്കുന്നു.

തദ്ദേശ സ്വയംഭരണ വകുപ്പുമന്ത്രി (ശ്രീ. പാലോളി മുഹമ്മദ് കുട്ടി) : പ്രമേയത്തെ പിന്താങ്ങുന്നു.

മി. സ്പീക്കർ : സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ട് ചെയ്ത പ്രകാരമുള്ള നിയമസഭാംഗങ്ങൾക്ക് പെൻഷൻ നൽകുന്നത് സംബന്ധിച്ച 2000-ലെ കേരള (ഭേദഗതി) ബിൽ പാസ്സാക്കണമെന്ന പ്രമേയം സഭ അംഗീകരിച്ചിരിക്കുന്നു.

ബിൽ പാസ്സായിരിക്കുന്നു.

(2) സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ട് ചെയ്ത പ്രകാരമുള്ള 2000-ലെ കേരള അധികാര വികേന്ദ്രീകരണ (ഭേദഗതി) ബിൽ (ചർച്ച തുടർച്ച)†

മി. സ്പീക്കർ : സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ട് ചെയ്ത പ്രകാരമുള്ള 2000-ലെ കേരള അധികാര വികേന്ദ്രീകരണ (ഭേദഗതി) ബിൽ ആണ് അടുത്തത്. കഴിഞ്ഞ ദിവസം നാം അതു പരിഗണിച്ചു. വകുപ്പ് തിരിച്ചുള്ള പരിഗണനയിൽ 5-ാം വകുപ്പുവരെ പാസ്സാക്കി.

6-ാം വകുപ്പ്

ശ്രീ. പി. രാഘവൻ : സർ, ഞാൻ എന്റെ 260-ാം നമ്പർ ഭേദഗതി അവതരിപ്പിക്കുന്നു.

(260) Section 7 of Act 18 of 1943 proposed to be substituted by clause 6(2) shall be redrafted as follows, namely:-

"The powers conferred on the Government under this Act shall subject to such conditions and restrictions as may be prescribed be exercised by Panchayat

† അനുബന്ധം II

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or Municipality or such authority or office as it may authorise in respect of irrigation works other than major projects''.

ഭക്ഷ്യ-വിനോദസഞ്ചാര-നിയമ വകുപ്പുമന്ത്രി (ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ നായർ) : ഭേദഗതി സ്വീകാര്യമല്ല.

മി. സ്പീക്കർ : ശ്രീ. പി. രാഘവൻ അവതരിപ്പിച്ച ഭേദഗതി അങ്ങ് പ്രസ്സു ചെയ്യുന്നുണ്ടോ?

ശ്രീ. പി. രാഘവൻ : ഭേദഗതി പിൻവലിക്കുന്നു.

മി. സ്പീക്കർ : ഭേദഗതി സഭയുടെ അനുമതിയോടെ പിൻവലിച്ചിരിക്കുന്നു.

6-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

6-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

7 മുതൽ 13 വരെയുള്ള വകുപ്പുകൾ

മി. സ്പീക്കർ : 7 മുതൽ 13 വരെയുള്ള വകുപ്പുകൾ ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ.....

പ്രതികൂലിക്കുന്നവർ.....

7 മുതൽ 13 വരെയുള്ള വകുപ്പുകൾ ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

14-ാം വകുപ്പ്

മി. സ്പീക്കർ : ശ്രീ. ബാബു ദിവാകരന്റെ 302-ാം നമ്പർ ഭേദഗതി ഓർഡറിൽ അല്ല. അങ്ങേയ്ക്ക് സംസാരിക്കാം.

ശ്രീ. ബാബു ദിവാകരൻ : സർ, എനിക്ക് മനസ്സിലായില്ല. ഞാൻ അതിൽ എഴുതിയിരിക്കുന്ന നമ്പരിൽ ഒരു മാറ്റം വന്നു എന്നുള്ളതാണ്. ഞാൻ എഴുതിക്കൊടുത്തത് ശരിയായിരുന്നു എന്നാണ് എന്റെ ഓർമ്മ. 16 (എ)-ൽ Delegation of powers of the Board to local authorities എന്നാണ് ഹെഡ്ഡിംഗിൽ കൊടുത്തിരിക്കുന്നത്. അത് Delegation of powers അല്ല, Delegation of functions ആണ്. പവേഴ്സ് അങ്ങനെ ഡെലിഗേറ്റ് ചെയ്യാൻ സാധിക്കില്ലല്ലോ. അതിന്റെ അടുത്ത വാചകം വായിച്ചാൽ അറിയാം. The Government may by order delegate the functions of the Board ..... എന്നാണ് അതിന്റെ താഴെ എഴുതിയിരിക്കുന്നത്. പക്ഷേ, ഹെഡ്ഡിംഗിൽ 'പവേഴ്സ്' എന്നായിപ്പോയി. അത് 'ഫംഗ്ഷൻസ്' ആക്കണമെന്നാണ് എന്റെ ഭേദഗതി.

ഭക്ഷ്യ-വിനോദസഞ്ചാര-നിയമ വകുപ്പുമന്ത്രി (ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ നായർ) : സർ, അത് സബ്ജക്ട് കമ്മിറ്റി അമെന്റ് ചെയ്തതാണ്. ഇനി ഭേദഗതി ആവശ്യമില്ല.

ശ്രീ. ബാബു ദിവാകരൻ : സർ, അമെന്റ്മെന്റ് അതിൽ വന്നിട്ടില്ല.

ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ നായർ : Delegation of functions of the Board to local authorities എന്ന് 16(എ)-ൽ സബ്ജക്ട് കമ്മിറ്റി അമെന്റ് ചെയ്തിട്ടുണ്ട്.

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മി. സ്പീക്കർ : 14-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

14-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

15-ാം വകുപ്പ്

മി. സ്പീക്കർ : 15-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

15-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

16-ാം വകുപ്പ്

മി. സ്പീക്കർ : ശ്രീ. ബാബു ദിവാകരന് 310-ാം നമ്പർ ഭേദഗതി അവതരിപ്പിക്കാം.

Shri Babu Divakaran : Sir, I move the following amendment :

(310). Section 3(5) of Act 18 of 1958 proposed to be substituted by clause 16(2) shall be recast as follows:

"(5) Any person aggrieved by an order of the Licensing Authority under sub-section (3) or sub-section (4) may appeal to such authority and within such time and in such form as may be prescribed; the appeal shall be heard by the prescribed authority in such manner as may be prescribed and a new section may be added as follows:

5(a) Any person aggrieved by the decision of the appeal authority as per section 5 may file a second appeal to the Government. Within such time and in such form as may be prescribed the appeal shall be heard in such manner as prescribed and the decision of the Government shall be final".

സർ, അത് പ്രധാനപ്പെട്ട ഒരു അമെന്റ്മെന്റാണെന്നാണ് എന്റെ വിശ്വാസം. Kerala Lime Shells control Act, 1957 ആണ് നമ്മൾ അമെന്റ് ചെയ്തത്. Lime shells കളക്ട് ചെയ്യാനും വില്ക്കാനുമുള്ള അതോറിറ്റി ഇപ്പോൾ ഇതിൽ തീരുമാനിക്കുന്നത് അതാത് പഞ്ചായത്ത് സെക്രട്ടറിയാണ്. Secretary shall be the authority. ഇപ്പോഴാണെങ്കിൽ Government may fix the authority. An officer fixed by the Government എന്നാണ് ഇപ്പോൾ നിലവിലുള്ള നിയമം. ഈ ഭേദഗതിമൂലം കൊണ്ടുവരുന്നത് പഞ്ചായത്ത് സെക്രട്ടറിമാർ ഈ Lime shells കളക്ട് ചെയ്യണമെന്നാണ്. The authority to issue licence – Secretary to the Panchayat or Municipality. ഇത് ആലപ്പുഴയിലുള്ളവർക്കൊക്കെ അറിയാം. കുട്ടനാട് പ്രദേശങ്ങളിലൊക്കെ വൻശേഖരങ്ങളുണ്ട്. The appeal shall lie in the Panchayat എന്നാണ് ഭേദഗതി വന്നത്. പക്ഷേ the authority to fix, is the Secretary to the Local Authority ആണ്. ആദ്യത്തെ ഭേദഗതി അതാണ്. ഇപ്പോൾ അത് ഗവണ്മെന്റ് ഫിക്സ് ചെയ്യുന്ന ഒരാളാണ്. സാധാരണ കളക്ടറാണ് വന്നുകൊണ്ടിരുന്നത്. അത് വലിയ ശേഖരങ്ങളുള്ളതാണ്. കോടിക്കണക്കിന് രൂപ ആസ്തിയുള്ളതാണ്. ഇത് പഞ്ചായത്ത് ലേലം ചെയ്യുന്നതിന് ഒന്നും എനിക്ക് അഭിപ്രായ വ്യത്യാസമില്ല. ഞാൻ അതിനോട് പൂർണ്ണമായി യോജിക്കുന്നു. പഞ്ചായത്ത് തന്നെ ചെയ്യണം. അതിന് കൊടുത്തിരിക്കുന്ന

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അപ്പീൽ പ്രൊവിഷൻ "appeal shall lie in the Panchayat" എന്നാണ്. അപ്പോൾ പഞ്ചായത്ത് കൊണ്ട് തീരുകയാണ്. ഞാൻ അതിന് ഒരു ഭേദഗതി വച്ചിരിക്കുന്നത് If anybody is aggrieved by the decision of the Panchayat, a second appeal shall lie in the Government എന്നാണ്. ഞാൻ ഇത് ചൂണ്ടിക്കാണിച്ചത് ആ ആക്ടിന് തന്നെ ഭേദഗതി ചെയ്യാത്ത വകുപ്പുകളിൽ ഗവണ്മെന്റിനാണ് പവേഴ്സ് കൊടുത്തിരിക്കുന്നത്. ആ ആക്ടിൽ തന്നെ അതിന്റെ വില നിശ്ചയിക്കാനുള്ള പവേഴ്സും മറ്റ് കാര്യങ്ങളുമെല്ലാം ഭേദഗതി ചെയ്യാതെ തന്നെ ഇപ്പോഴും ഗവണ്മെന്റിൽ നിക്ഷിപ്തമാണ്. അതുകൊണ്ടാണ് ഞാൻ പറഞ്ഞത് ഈ ലൈസൻസ് കൊടുക്കുന്നതിൽ ആർക്കെങ്കിലും പരാതിയുണ്ടെങ്കിൽ സെക്കന്റ് അപ്പീലിന്റെ കാര്യമാണ് ഞാൻ പറയുന്നത്; ഫസ്റ്റ് അപ്പീലേ അല്ല. The second appeal shall lie in the Government അത് ഗവണ്മെന്റിന് ആലോചിച്ചിട്ട് സ്വീകരിക്കാവുന്നതാണെന്നാണ് എന്റെ വിശ്വാസം.

ഭക്ഷ്യ-വിനോദസഞ്ചാര-നിയമ വകുപ്പുമന്ത്രി (ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ നായർ) : സർ, ഇപ്പോൾത്തന്നെ പഞ്ചായത്തുകളെ ലോക്കൽ സെൽഫ് ഗവണ്മെന്റുകളായിട്ട് കൺസിഡർ ചെയ്യുകയാണെങ്കിൽ ഒരു ഗവണ്മെന്റ് തീരുമാനത്തിന്മേൽ, അതായത് നമ്മുടെ സ്റ്റേറ്റ് ഗവണ്മെന്റിന്റെ തീരുമാനത്തിന് സെൻട്രൽ ഗവണ്മെന്റിൽ ഒരു അപ്പീൽ കൊടുക്കുന്നതുപോലെ വരുന്നുള്ളു. അത് ലോക്കൽ സെൽഫ് ഗവണ്മെന്റാണെങ്കിൽ ഇതിൽ aggrieved ആയിട്ടുള്ളവർ കോടതിയിൽ പോകട്ടെ. പിന്നെ ഓംബുട്സ്മാനും ട്രൈബ്യൂണലുമൊക്കെയുണ്ടല്ലോ. എല്ലാറ്റിനും പിന്നെ ഒരു ഡെപ്യൂട്ടി സെക്രട്ടറിക്ക് ഒക്കെ അപ്പീൽ കൊടുക്കുന്നത് എന്തിനാണ്? അവർ കോടതിയിൽ പോകട്ടെ.

ഭേദഗതി സ്വീകാര്യമല്ല.

മി. സ്പീക്കർ : ശ്രീ. ബാബു ദിവാകരൻ അവതരിപ്പിച്ച ഭേദഗതിയെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

ഭേദഗതി സഭ നിരാകരിച്ചിരിക്കുന്നു.

16-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

16-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

17-ാം വകുപ്പ്

മി. സ്പീക്കർ : ശ്രീ. ബാബു ദിവാകരന്റെ 317-ാം നമ്പർ ഭേദഗതി ഓർഡറിൽ അല്ല. പക്ഷേ, അങ്ങേയ്ക്ക് സംസാരിക്കാം.

ശ്രീ. ബാബു ദിവാകരൻ : സർ, "occured" എന്നുള്ള വാക്കിനുപകരം "occur" എന്ന് ചേർക്കണമെന്നതാണ് എന്റെ ഭേദഗതികൊണ്ടുദ്ദേശിക്കുന്നത്.

ഭക്ഷ്യ-വിനോദസഞ്ചാര-നിയമ വകുപ്പുമന്ത്രി (ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ നായർ) : അങ്ങനെ ആക്കേണ്ട ആവശ്യമില്ല.

മി. സ്പീക്കർ : 17-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

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17-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

18-ാം വകുപ്പ്

ശ്രീമതി കെ.കെ. ശൈലജ ടീച്ചർ : Sir, I move the following amendment:

(363) In sub section (2) of section 18 A of Act 6 of 1959 proposed to be inserted by sub clause (4) of clause 18 the words 'welfare measure' shall be substituted by the word "development".

സർ, ഇത് വളരെ പ്രധാനപ്പെട്ട ഒരു കാര്യമാണ്. കേരളത്തിലെ വിദ്യാഭ്യാസരംഗത്ത് സമഗ്രമായ പുരോഗതിയുണ്ടാക്കുന്നതിന് അടിസ്ഥാനമായിട്ടുള്ള 1958-ലെ കേരള വിദ്യാഭ്യാസ ആക്ടിൽ കാലോചിതമായ ചില പരിഷ്ക്കാരങ്ങൾ വരുത്താനുള്ള ഭേദഗതിയാണിത്. ഇതിനകത്ത് 1958-ലെ ആക്ടിൽ പറഞ്ഞിരുന്ന പ്രാദേശികമായിട്ട് വിദ്യാഭ്യാസം മെച്ചപ്പെടുത്തുന്നതിനുവേണ്ടി രൂപീകരിക്കാൻ നിശ്ചയിച്ചിരുന്ന 'Welfare measure of the school' എന്ന പേരിലുള്ള കമ്മിറ്റി പുതിയ രീതിയിൽ സ്കൂൾ ഡെവലപ്മെന്റിനുവേണ്ടിയുള്ള കമ്മിറ്റിയാക്കി മാറ്റുന്നതിനുവേണ്ടിയുള്ള 'ഡെവലപ്മെന്റ്' എന്നുപറയുന്ന വാക്ക് കൂട്ടിച്ചേർക്കാനാണ് ഉദ്ദേശിക്കുന്നത്. എയ്ഡഡ് സ്കൂളുകളിലും ഗവണ്മെന്റ് സ്കൂളുകളിലും കുട്ടികൾക്ക് എല്ലാ ഭൗതിക സൗകര്യങ്ങളും ഉണ്ടെന്ന് ഉറപ്പുവരുത്താൻ കഴിയുന്ന രീതിയിൽ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾ വഴി പരിശോധന നടത്താനും ആ കാര്യങ്ങൾ ഉറപ്പ് വരുത്തുന്നതിന് സൗകര്യപ്പെടുത്തുകയും ചെയ്യുന്നതിനാണ്. ഇതിൽ ഒരു കാര്യം മാത്രമാണ് പറയാനുള്ളത്. ഇപ്പോൾ പല സ്കൂളുകളിലും നല്ല രീതിയിൽ പി.ടി.എ. കമ്മിറ്റികൾ പ്രവർത്തിക്കുന്നുണ്ട്. സ്കൂളിന്റെ ഭൗതിക സാഹചര്യം മെച്ചപ്പെടുത്തുന്നതിന് അവർ ഇടപെടുന്നുമുണ്ട്. അപ്പോൾ പുതുതായിട്ട് വരുന്ന കമ്മിറ്റിയും പി.ടി.എ. കമ്മിറ്റിയും വേറെ വേറെ പ്രവർത്തിക്കുന്നത് ആവശ്യമില്ലാത്ത ഒരു കാര്യമായിട്ട് വരും. അപ്പോൾ പി.ടി.എ. കമ്മിറ്റികളുടെ പ്രാതിനിധ്യംകൂടി പുതുതായിട്ട് വരുന്ന കമ്മിറ്റികളിൽ ഉൾപ്പെടുത്തുകയാണെങ്കിൽ ഇത്തരം കാര്യങ്ങൾ നോക്കാൻ ഈ ഒരു കമ്മിറ്റി മതിയാകുമെന്നാണ് എനിക്ക് പറയാനുള്ളത്.

ശ്രീ. ബാബു ദിവാകരൻ ; Sir, I move the following amendment :

(371) In clause 18, 5A, new section being inserted in the classification of school.

(a) Pre-primary schools and primary schools in rural areas.

(b) High Schools .....

(c) Pre-primary schools, Primary schools – after Primary Schools and before high schools add the word 'Upper Primary Schools'.

സർ, സ്കൂൾസിനെ ഷെഡ്യൂളിൽ ചേർക്കുന്നതിൽ മുനിസിപ്പാലിറ്റിയിൽ 5 (എ) (സി)-ൽ Pre-primary schools, Primary schools, High Schools and Higher Secondary schools എന്നേയുള്ളൂ. അതിൽ 'അപ്പർ പ്രൈമറി' വിട്ടുപോയി. അതിന്റെ മുകളിൽ ഉള്ളതിൽ അപ്പർ പ്രൈമറി കൊടുത്തിട്ടുണ്ട്. (ബി)-ൽ High Schools (including lower primary or upper primary section attached to high schools) and higher secondary schools എന്ന് പറഞ്ഞിട്ടുണ്ട്. മുനിസിപ്പാലിറ്റി

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യുടെ കേസ് വരുമ്പോൾ പ്രീ-പ്രൈമറി സ്കൂൾ, പ്രൈമറി സ്കൂൾ, ഹൈസ്കൂൾ എന്നേയുള്ളു. അവിടെ 'അപ്പർ പ്രൈമറി' സ്കൂൾ കൂടി ചേർക്കണം.

ഭക്ഷ്യ-വിനോദസഞ്ചാര നിയമവകുപ്പുമന്ത്രി (ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ നായർ) : സർ, ശ്രീമതി ശൈലജ ടീച്ചർ അവതരിപ്പിച്ച 363-ാം നമ്പർ ഭേദഗതിയും ശ്രീ. ബാബു ദിവാകരൻ അവതരിപ്പിച്ച 371-ാം നമ്പർ ഭേദഗതിയും സ്വീകരിക്കുന്നു.

മി. സ്പീക്കർ : ശ്രീമതി കെ.കെ. ശൈലജ ടീച്ചർ അവതരിപ്പിച്ച 363-ാം നമ്പർ ഭേദഗതിയും ശ്രീ. ബാബു ദിവാകരൻ അവതരിപ്പിച്ച 371-ാം നമ്പർ ഭേദഗതിയും അംഗീകരിക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....
പ്രതികൂലിക്കുന്നവർ .....

ഭേദഗതികൾ സഭ അംഗീകരിച്ചു

ഭേദഗതി ചെയ്ത പ്രകാരമുള്ള 18-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ.....

പ്രതികൂലിക്കുന്നവർ.....പ്രകാരമുള്ള 18-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

19-ാം വകുപ്പ്

മി. സ്പീക്കർ : 19-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

19-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

20-ാം വകുപ്പ്

മി. സ്പീക്കർ : 20-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

20-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

21-ാം വകുപ്പ്

മി. സ്പീക്കർ : 21-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

21-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

22-ാം വകുപ്പ്

മി. സ്പീക്കർ : 22-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

22-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

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23-ാം വകുപ്പ്

മി. സ്പീക്കർ : 23-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ.....

പ്രതികൂലിക്കുന്നവർ.....

23-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

24-ാം വകുപ്പ്

മി. സ്പീക്കർ : 24-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ.....

പ്രതികൂലിക്കുന്നവർ.....

24-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

25-ാം വകുപ്പ്

മി. സ്പീക്കർ : 25-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ.....

പ്രതികൂലിക്കുന്നവർ.....

25-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

26 മുതൽ 29 വരെയുള്ള വകുപ്പുകൾ (ഭേദഗതിയില്ല)

മി. സ്പീക്കർ : 26 മുതൽ 29 വരെയുള്ള വകുപ്പുകൾ ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ.....

പ്രതികൂലിക്കുന്നവർ.....

26 മുതൽ 29 വരെയുള്ള വകുപ്പുകൾ ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

30-ാം വകുപ്പ്

മി. സ്പീക്കർ : 30-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ.....

പ്രതികൂലിക്കുന്നവർ.....

30-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

31-ാം വകുപ്പ്

മി. സ്പീക്കർ : 31-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ.....

പ്രതികൂലിക്കുന്നവർ.....

31-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

32-ാം വകുപ്പ്

മി. സ്പീക്കർ : 32-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ.....

പ്രതികൂലിക്കുന്നവർ.....

32-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

33-ാം വകുപ്പ്

മി. സ്പീക്കർ : 33-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ.....

പ്രതികൂലിക്കുന്നവർ.....

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33-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

34-ാം വകുപ്പ്

മി. സ്പീക്കർ : 34-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

34-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

35-ാം വകുപ്പ്

Minister for Food, Tourism and Law (Shri E. Chandrasekharan Nair) : Sir, I move the following amendment :

(419) (1) In clause 35 of the Bill, in sub-clause (1), the words "four members elected from among the District Panchayat members in the district" shall be deleted and substituted by the following words:-

"three members elected from among the District Panchayat members of the State, one member elected from among the councillors of the municipalities of the State".

(2) In clause 35 of the Bill, in sub-clause (4) in item (ii) (d) the following words shall be deleted:-

"each from the district" and "thereof"-

(3) In clause 35 of the Bill in sub-clause (4) in item (ii) (e), for the word "members" the word "councillors" shall be substituted.

ശ്രീ. പി. രാഘവൻ : Sir, I move the following amendments :

(405) The section 3(2) of Act 15 of 1989 proposed to be substituted by clause 35(1) insert the word "all" between the words "among" and "the District" and delete the words "in the District" occuring at the end.

(413) In the new clause (d) of section 11(1) of Act 15 of 1989 proposed to be inserted by clause 35(4) (ii) delete the words "each from the district".

സർ, കേരള ഗ്രന്ഥശാലാ സംഘം ആക്ടിലുള്ള ഒരു ഭേദഗതിയാണ് ഈ ബില്ലിന്റെ 35-ാം വകുപ്പ് സംസ്ഥാന ലൈബ്രറി കൗൺസിൽ, ജില്ലാ ലൈബ്രറി കൗൺസിൽ, താലൂക്ക് ലൈബ്രറി കൗൺസിൽ എന്നിവയിൽ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളുടെ തെരഞ്ഞെടുക്കപ്പെട്ട പ്രതിനിധികളെക്കൂടി ഉൾപ്പെടുത്തുന്നത് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ ഭേദഗതി. ഈ ഭേദഗതിയിലെ നിർദ്ദേശങ്ങളിൽ താഴെപ്പറയുന്ന ചില തെറ്റുകൾ കടന്നുകൂടിയിട്ടുണ്ട്. ഒന്ന്. 35-ാം വകുപ്പ് 1-ാം ഉപവകുപ്പുപ്രകാരം സംസ്ഥാന ലൈബ്രറി കൗൺസിലേക്ക് എല്ലാ ജില്ലകളിൽനിന്നും പ്രതിനിധികൾ വേണം. ആ തെറ്റു തിരുത്തണം.

ശ്രീ. സെബാസ്റ്റ്യൻ പോൾ : Sir, I move the following amendment :

(407) In Section 3(2) of Act 15 of 1989 proposed to be substituted by clause 35 (1) delete the word "in the District" occuring at the end.

ശ്രീ. ജോൺ ഫെർണാണ്ടസ് : 409-ാം നമ്പർ ഭേദഗതി ഞാൻ മൂവ് ചെയ്യുന്നു.

(409) Sub-clause (1) of clause (35) shall be recast as follows, namely:-

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"(1) in sub-section (2) of section 3, after the words "elected by the general body of District Library Council" "three members elected from among all the District Panchayat Members and one member elected by the members of the Municipal Councils in the State" shall be inserted".

ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ നായർ : സർ, ഈ രീതിയിൽ അക്സപ്ട് ചെയ്താൽ കൗൺസിലിൽ ആകെയുള്ളത് 56 പേരാണ്. അതുകൊണ്ടാണ് ഈ വകുപ്പ് ഭേദഗതി ചെയ്തത്.

മി. സ്പീക്കർ : ബഹുമാനപ്പെട്ട മന്ത്രി അവതരിപ്പിച്ച ഔദ്യോഗിക ഭേദഗതി അംഗീകരിക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ ..... പ്രതികൂലിക്കുന്നവർ .....

ഭേദഗതി സഭ അംഗീകരിച്ചിരിക്കുന്നു.

ശ്രീ. പി. രാഘവൻ, ശ്രീ. സെബാസ്റ്റ്യൻ പോൾ, ശ്രീ. ജോൺ ഫെർണാണ്ടസ് എന്നീ ബഹുമാനപ്പെട്ട അംഗങ്ങൾ അവതരിപ്പിച്ച ഭേദഗതികൾ പിൻവലിക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

ഭേദഗതികൾ സഭയുടെ അനുമതിയോടെ പിൻവലിച്ചിരിക്കുന്നു.

ഭേദഗതി ചെയ്ത പ്രകാരമുള്ള 35-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

ഭേദഗതി ചെയ്ത പ്രകാരമുള്ള 35-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

36-ഉം 37-ഉം വകുപ്പുകൾ

മി. സ്പീക്കർ : 36-ഉം 37-ഉം വകുപ്പുകൾ ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ ..... പ്രതികൂലിക്കുന്നവർ .....

36-ഉം 37-ഉം വകുപ്പുകൾ ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

38-ാം വകുപ്പ്

Minister for Food, Tourism and Law (Shri E. Chandrasekharan Nair) : Sir, I move the following amendment :

(417) (1) In clause 38 of the Bill, in sub-clause (1), for the words "the date of publication of this Act in the gazette", the words, "the date of coming into force of this section" shall be substituted.

(2) In clause 38 of the Bill, in sub-clause (2), for the words "on the date of publication of this Act in the gazette", the words "on the date of coming into force of this section" shall be substituted.

(3) In clause 38 of the Bill in sub-clause (3) for the words "on the date of publication of this Act in the Gazette", the words "on the date of coming into force of this section shall be substituted.

മി. സ്പീക്കർ : ബഹുമാനപ്പെട്ട മന്ത്രി അവതരിപ്പിച്ച ഭേദഗതി അംഗീകരിക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

ഭേദഗതി സഭ അംഗീകരിച്ചിരിക്കുന്നു.

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ഭേദഗതി ചെയ്ത പ്രകാരമുള്ള 38-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

ഭേദഗതി ചെയ്തപ്രകാരമുള്ള 38-ാം വകുപ്പ് ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

1-ാം വകുപ്പും പീഠികയും പേരും

Minister for Food, Tourism and Law (Shri E. Chandrasekharan Nair) : Sir, I move the following amendment :

(418) In the preamble of the bill for the words "decentralisation of powers of local self Government Institutions" the words "decentralisation of powers to local self Government institutions" shall be substituted.

മി. സ്പീക്കർ : ബഹുമാനപ്പെട്ട മന്ത്രി അവതരിപ്പിച്ച ഔദ്യോഗിക ഭേദഗതി അംഗീകരിക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ ..... പ്രതികൂലിക്കുന്നവർ .....

ഭേദഗതി സഭ അംഗീകരിച്ചിരിക്കുന്നു.

ഭേദഗതി ചെയ്തപ്രകാരമുള്ള ഒന്നാം വകുപ്പും പീഠികയും പേരും ബില്ലിന്റെ ഭാഗമാക്കണമെന്ന പ്രശ്നത്തെ അനുകൂലിക്കുന്നവർ ..... പ്രതികൂലിക്കുന്നവർ .....

ഭേദഗതി ചെയ്ത പ്രകാരമുള്ള ഒന്നാം വകുപ്പും പീഠികയും പേരും ബില്ലിന്റെ ഭാഗമായിരിക്കുന്നു.

ഭക്ഷ്യ-വിനോദസഞ്ചാര-നിയമ വകുപ്പുമന്ത്രി (ശ്രീ. ഇ. ചന്ദ്രശേഖരൻ നായർ) ; സബ്ജക്ട് കമ്മിറ്റി റിപ്പോർട്ടു ചെയ്തപ്രകാരമുള്ള 2000-ത്തിലെ കേരള അധികാര വികേന്ദ്രീകരണ (ഭേദഗതി) ബിൽ പാസ്സാക്കിത്തരണമെന്ന പ്രമേയം അവതരിപ്പിക്കുന്നു.

തദ്ദേശ സ്വയംഭരണ വകുപ്പുമന്ത്രി (ശ്രീ. പാലൊളി മുഹമ്മദ്കുട്ടി) : പ്രമേയത്തെ പിന്താങ്ങുന്നു.

മി. സ്പീക്കർ : 2000-ത്തിലെ കേരള അധികാര വികേന്ദ്രീകരണ (ഭേദഗതി) ബിൽ പാസ്സാക്കണമെന്ന പ്രമേയത്തെ അനുകൂലിക്കുന്നവർ .....

പ്രതികൂലിക്കുന്നവർ .....

പ്രമേയം സഭ അംഗീകരിച്ചിരിക്കുന്നു.

ബിൽ പാസ്സായിരിക്കുന്നു.

V. പരിഗണനയിലിരിക്കുന്ന അവകാശലംഘന പ്രശ്നങ്ങൾ

മി. സ്പീക്കർ : പത്താം കേരള നിയമസഭയുടെ പന്ത്രണ്ടാം സമ്മേളനകാലത്ത്, നക്ഷത്രചിഹ്നമിടാത്ത 877, 878, 879, 880 എന്നീ നമ്പർ ചോദ്യങ്ങൾക്ക് നല്കിയ ഉത്തരത്തിൽ സത്യവിരുദ്ധവും, സഭയെ തെറ്റിദ്ധരിപ്പിക്കുന്നവയുമാണെന്നാരോപിച്ച്, ആരോഗ്യവും സ്പോർട്ട്സും വകുപ്പു മന്ത്രിയ്ക്കെതിരെ അവകാശലംഘനപ്രശ്നം ഉന്നയിയ്ക്കുന്നതിന് ശ്രീ. കെ.എ. ചന്ദ്രനും, പത്താം കേരള നിയമസഭയുടെ പതിമൂന്നാം സമ്മേളനകാലത്ത് 13-ാം നമ്പർ നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യത്തിന് ബഹുമാനപ്പെട്ട മുഖ്യമന്ത്രി നല്കിയ മറുപടി സത്യവിരുദ്ധവും സഭയെ തെറ്റിദ്ധരിപ്പിയ്ക്കുന്നതുമാണെന്നും പ്രസ്തുത

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അനുബന്ധം - II

REPORT OF THE SUBJECT COMMITTEE
ON
THE KERALA DECENTRALISATION OF POWERS
(AMENDMENT) BILL, 2000
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

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THE KERALA DECENTRALISATION OF POWERS (AMENDMENT) BILL, 2000

(Report of the Subject Committee)

Subject Committee IX-Local Administration and Co-operation to which the Kerala Decentralisation of Powers (Amendment) Bill, 2000 was referred, considered the Bill clause by clause and now submits this, its Report with the Bill as reported by the Committee annexed thereto.

2. The Kerala Decentralisation of Powers (Amendment) Bill, 2000 was published as a Gazette Extraordinary dated February 28, 2000. The Bill was introduced in the Assembly on March 8, 2000 and was referred to the Committee on March 13, 2000.

3. The Committee considered the Bill clause by clause at its setting held on March 13, 2000 and March 20, 2000.

4. The Committee recommends to adopt the Bill with the following modifications:-

Clause 1

In clause 1 (1) the word "amendment" and brackets shall be deleted.

Clause 1 (2) shall be recast as follows:

"(2) Sub-section (2) of section 36, section 37 and section 38 shall come into force on such date as the Government may by notification in the Gazette appointed and the remaining provisions of this Act shall come into force at once".

Clause 2

1. Sub-clause (2) (ii) shall be recast as follows:

"(ii)for the words "The Diwan may by notification in the Sirkar Gazette", the words "A Municipality or a Village Panchayat may with the prior permission of the Government" shall be substituted";

2. Sub-clause (2) (iii) shall be deleted.

3. The following shall be added as sub clause (3) and the remaining sub clauses renumbered.

"(3) after section 3 the following section shall be inserted, namely:-

3A. Transfer of existing ferries to Municipalities and Village Panchayats:-

All the existing ferries of the Government shall by virtue of this section be transferred to the concerned Municipality or as the case may be, the Village Panchayat for management".

4. In sub clause (4) the words "under section 3 or transferred under Section 3A" shall be inserted between the words "established" and "the Panchayat".

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5. In sub clause (4) (ii) renumbered as sub clause (5) (ii) the words "in the prescribed manner" shall be deleted.

6. The words and figures "to section 5" at the beginning of sub clause 5 (iii) shall be deleted.

7. New sub clauses (8) to (11) shall be added after sub clause (7) as follows:-

(8) after section 7 the following section shall be inserted, namely:-

"7A. *Power to take action for default by a Village Panchayat or a Municipality*:-(1) If, at any time, it appears to the Government that a village panchayat or a municipality has made default in performing any duty Imposed by or under this Act or in carrying out any orders lawfully issued by the Government, the Government may, by order in writing, fix a period for the performance of such duty, or the carrying out of such order.

(2) If such duty is not performed or such order is not carried out within the period fixed under sub-section (1) the Government may, after giving a reasonable opportunity to the village panchayat or municipality, as the case may be, to explain why further action under this section may not be pursued, appoint any officer or authority to perform the duty or to carry out the functions and may direct that the expenses incurred therefore shall be paid from the fund of the Village Panchayat or the Municipality, as the case may be, within such time as may be specified by the Government".

(9) in section 8:-

(a) for the word "Diwan" in both the places where it occur the words "a Municipality or a Village Panchayat" shall be substituted;

(b) for the words "he shall by notice" the words "it shall by notice" shall be substituted;

(10) in section 9, for the words "the sirkar" the words "the Government or a Municipality or a Panchayat" shall be substituted:

(11) in section 10, for the words "prescribed by the Diwans notification" the words and figure "prescribed under section 3" shall be substituted;

(12) section 13 shall be omitted.

8. Existing sub clause (10) shall be renumbered as sub clause (12)

Clause 3

1. Sub-clause (2) shall be recast as follows:-

"(2) In section 10, for the words "our Government may establish" the "The Municipality or the Panchayat may with the prior permission of the Government establish" shall be substituted"-

2. After sub-clause (2) new sub clauses (3), (4), (5), (6) and (7) shall be added.

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(3) in section 11 for the words "Our Government may by notification in our Government Gazette" the words "The Municipality or the Panchayat may by notification" shall be substituted;

(4) in section 12,-

(a) for the words "Our Government" the words "The Municipality or Panchayat" shall be substituted;

(b) the following proviso shall be added, namely:-

"Provided that new toll gates shall be established only with the prior permission of Government."

(5) after section 12 the following section shall be inserted, namely:-

"12 A. *Transfer of existing ferries to municipalities and panchayats*.- All the existing ferries of the Government shall by virtue of this section be transferred to the concerned Municipality or as the case may be, the Panchayat for management."

(6) in sections 13 and 14 for the words "Our Government" wherever they occur the words "The Municipality or Panchayat" shall be substituted;

(7) after section 14 the following section shall be inserted, namely:-

"14 A. *Power to take action for default by a Panchayat or a Municipality*:- (1) If, at any time, it appears to the Government that a Panchayat or a Municipality has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government; the Government may, by order in writing, fix a period for the performance of such duty, or the carrying out of such order.

(2) If such duty is not performed or such order is not carried out within the period fixed under sub-section (1) the Government may, after giving a reasonable opportunity to the Panchayat or Municipality, as the case may be, to explain why further action under this section may not be pursued appoint any officer or authority to perform the duty or to carry out the functions and may direct that the expenses incurred therefore shall be paid from the fund of the Panchayat or the Municipality as the case may be within such time as may be specified by the Government."

(8) Section 84 shall be omitted.

3. The existing sub-clause (3) shall be renumbered as sub-clause (8)

Clause 4

1. In sub-clause (2) in section 6 proposed to be substituted in sub section (1) (b) before the word "establish" the following words shall be inserted.

"with the prior permission of the Government".

2. After Section 6 proposed to be substituted by sub-clause (2) the following shall be added as Section 6 A.

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"6A-Transfer of existing service to Municipalities and Panchayats. All the existing ferries of the Government shall by virtue of this Section be transferred to the concerned Municipality or as the case may be, the Panchayath for management".

3. In the Marginal heading under sub-clause (3) the following shall be deleted "and fees and rates of tolls".

4. In sub-section (3) (4) of section 10 proposed to be substituted for the word "tolls" the word "charges" shall be substituted.

5. After sub-clause (3) a new sub-clause (4) shall be added and the remaining clause renumbered.

(4) after section 10 the following section shall be inserted, namely:-

"10 A *Power to take action for default by a Panchayat or a Municipality*:- (1) If, at any time, it appears to the Government that a panchayat or a municipality has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government the Government may, by order in writing, fix a period for the performance of such duty, or the carrying out of such order.

(3) If such duty is not performed or such order is not carried out within the period fixed under sub-section (1) the Government may, after giving a reasonable opportunity to the panchayat or municipality, as the case may be, to explain why further action under this section may not be pursued, appoint any officer or authority to perform the duty or to carry out the functions and may direct that the expenses incurred therefore shall be paid from the fund of the Panchayat or the Municipality, as the case may be, within such time as may be specified by the Government".

(5) Section 22 shall be omitted.

Clause 5

1. Before sub-clause (1) the following new-sub-clauses shall be added, namely:-

"(1) in section 1, for sub-section (2) the following sub-section shall be substituted, namely:-

"(2) It extends to the whole of the Malabar district and the Kasargod Taluk of South Kanara District as defined in Clause (b) of Section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956)".

(2) Section 2 shall be omitted.

2. The existing sub-clause (1) shall be renumbered as (3).

3. In sub-clause (8) proposed to be substituted by (3) (b) for the words "the Secretary, or other" the word "any" shall be substituted.

4. After sub-clause (3) (c) a new sub-clause shall be added, namely:-

"(d) for clause (36) the following clause shall be substituted, namely:-

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"(36) "Urban local authority" means a municipality constituted under Section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

5. Sub-clause (4) shall be recast as follows:-

"(4) In section 4,-

(a) in sub-section (1) the words "of Madras" shall be omitted;

(b) and in subsequent sections for the words "Director of Public Health" wherever they occur the words "Director of Health Services" shall be substituted."

6. Sub-clause (5) shall be recast as follows:-

"(5) for section 9, the following section shall be substituted, namely -

"9. *Appointment or nomination of health officer* :- (1) Every village Panchayat and Municipality shall have a health officer.

7 In sub-clause (5) in section 9 (2) proposed to be substituted the following proviso shall be added;-

"provided that if no such medical officer as aforesaid is available for nomination the Government may nominate a medical officer under the control of a nearby Village Panchayat or Municipality to function as the Health Officer Ex-officio".

8. In sub-clause (4) renumbered as sub-clause (6) in section 16A proposed to be inserted:-

After sub-section (1) a new sub-section shall be inserted and the remaining sub-section renumbered.

"(2) No sale, mortgage, lease, pledge, charge or transfer of possession of any land appurtenant to a health institution transferred to a local authority shall be made and such land shall not be used for any purpose other than the purposes for which it was transferred to a local authority".

Clause 8

1. Sub-clause (2) shall be omitted.

2. Sub-clause (3) renumbered as (2) shall be recast as follows:-

"(2) in section 7,-

(a) in sub-section (1), the words "Fort St. George" shall be omitted.

(b) for clause (b) of sub-section 2, the following clause shall be substituted, namely:-

"(b) the delegation of the powers of the Government under section 3 to the Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or to the Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994) or any other authority or any officer of the Government and the control and revision of the acts and proceedings of any such authority or officer".

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Clause 9

1. In sub-clause (7) and (8) for the words "Government" in the words "Government or local authority" shall be substituted.

2. Sub-clause (10) shall be deleted and sub-clauses (11) and (12) shall be renumbered as sub-clauses (10) and (11) respectively.

Clause 11

1. In sub-clause (i) (b) for the words "the Secretary, Chairperson, President or other" the word "any" shall be substituted.

2. After sub-clause (1) (d) a new sub-clause (e) shall be inserted namely:-

"(e) for clause (38) the following clause shall be substituted, namely:-

"(38) 'Urban local authority' means a Municipality constituted under Section 4 of the Kerala Municipality Act, 1994 (20 of 1994)".

3. Sub-clause (2) shall be modified as follows:-

"(2) in section 3 and in the subsequent sections for the words "Director of Public Health" wherever they occur the words "Director of Health Services" shall be substituted".

4. Sub-clause (3) shall be recast as follows:-

"(3) for section 7, the following section shall be substituted, namely:-

"7. Appointment or nomination of Health Officer:-

(1) Every Village Panchayat and Municipality shall have a health officer.

(2) Where in the area of a Village Panchayat or Municipality there is no health officer posted, the Government may nominate a medical officer serving in any health institution under the control of the Village Panchayat or Municipality, as the case may be, to function as the Health Officer Ex-officio of that Village Panchayat or Municipality:

Provided that if no such medical officer as aforesaid is available for nomination the Government may nominate a medical officer under the control of a nearby Village Panchayat or Municipality to function as the Health Officer Ex-officio".

5. In section 14 A proposed to be inserted by sub-clause (4) a new sub-section.

(2) shall be inserted as follows and the existing sub-section (2) shall be renumbered.

"(2) No sale, morftage, lease, pledge, charge or transfer of possession of any land appurtenant to a health institution transferred to a local authority shall be made and such land shall not be used for any purpose other than the purposes for which it was transferred to a local authority".

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Clause 14

1. In the marginal heading for section 16A proposed to be inserted by sub-clause (6) for the word "powers" the word "functions" shall be substituted.

2. Sub-clauses (7), (8), (9) and (10) shall be recast the follows:-

(7) in Section 17,-

(a) in sub-section (1) for the words "forward to the Government a programme of work" the words, figures and brackets "forward to the Government and the District Planning Committee constituted under section 53 of the Kerala Municipality Act 1994 (20 of 1994) a programme of work "shall be substituted;

(b) after sub-section (2) the following sub-section shall be inserted, namely:-

"(3) The District Planning Committee shall within one month from the date of receipt of the programme of work from the Board forward the same to the Government with its recommendations."

(8) to section 18, the words "after due consideration of the recommendations of the District Planning Committees" shall be added at the end.

(9) in section 19 before the word and figure "Section 18" the word and figure 'Section 17' shall be inserted;

(10) in section 19A for the word "Government' the words "Government and the District Planning Committee concerned" shall be substituted.

Clause 16

1. In sub clause (2) the word "sub-section" shall be added after the word "following".

2. In section 3 (5) proposed to be inserted by sub clause (2) for the words "Municipal Council" the word "Municipality" shall be substituted.

Clause 17

1. After sub clause (1) a new sub clause shall be added namely:-

"(2) in section 4 for the words "Executive Authority" the word "Secretary" shall be substituted;

2. The existing us clause (2) and (3) shall be renumbered as (3) and (4) respectively.

3. The existing sub clause (4) shall be deleted.

Clause 18

1. In section 17 proposed to be substituted by sub clause (4) in sub-section (2) (a) for the word "Chairman" the word "Chairperson" shall be substituted.

2. In place of sub-section (2) (b) the following sub-sections (b) and (c) shall be substituted and the remaining sub-sections relettered.

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Clause 14

1. In the marginal heading for section 16A proposed to be inserted by sub-clause (6) for the word "powers" the word "functions" shall be substituted.

2. Sub-clauses (7), (8), (9) and (10) shall be recast the follows:-

(7) in Section 17,-

(a) in sub-section (1) for the words "forward to the Government a programme of work" the words, figures and brackets "forward to the Government and the District Planning Committee constituted under section 53 of the Kerala Municipality Act 1994 (20 of 1994) a programme of work "shall be substituted;

(b) after sub-section (2) the following sub-section shall be inserted, namely:-

"(3) The District Planning Committee shall within one month from the date of receipt of the programme of work from the Board forward the same to the Government with its recommendations."

(8) to section 18, the words "after due consideration of the recommendations of the District Planning Committees" shall be added at the end.

(9) in section 19 before the word and figure "Section 18" the word and figure 'Section 17' shall be inserted;

(10) in section 19A for the word "Government' the words "Government and the District Planning Committee concerned" shall be substituted.

Clause 16

1. In sub clause (2) the word "sub-section" shall be added after the word "following".

2. In section 3 (5) proposed to be inserted by sub clause (2) for the words "Municipal Council" the word "Municipality" shall be substituted.

Clause 17

1. After sub clause (1) a new sub clause shall be added namely:-

"(2) in section 4 for the words "Executive Authority" the word "Secretary" shall be substituted;

2. The existing us clause (2) and (3) shall be renumbered as (3) and (4) respectively.

3. The existing sub clause (4) shall be deleted.

Clause 18

1. In section 17 proposed to be substituted by sub clause (4) in sub-section (2) (a) for the word "Chairman" the word "Chairperson" shall be substituted.

2. In place of sub-section (2) (b) the following sub-sections (b) and (c) shall be substituted and the remaining sub-sections relettered.

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"(a) to direct District Committees for the preparation of draft schemes within their respective jurisdiction.

3. In section 7C, sub-section (2) shall be deleted sub-section (3) renumbered and modified as follows:

"(2) The manner of constitution of Watershed Committee shall be such as may be prescribed".

Clause 30

1. Section 4 proposed to be amended by sub clause (2) (a) shall be recast as follows:

"(a) in clause (c),-

(i) for the word "nine" the word "eleven" shall be substituted;

(ii) after the words "Scheduled Tribes" the words "and of whom two shall be from among the Presidents or Chairpersons of the Local Authorities" shall be inserted";

2. In Section 39(3) proposed to be inserted by sub clause (3) for the words "within a period of one year from the date of approval of such scheme" the words "and approved" shall be substituted.

3. Sub clause (4) shall be recast as follows:-

"(4) after sub-section (2) of section 41, the following sub-section shall be inserted, namely:-

(3) in respect of loans and advances to private individuals having Government Subsidies the selection of beneficiaries shall be made by the local bodies on the basis of norms fixed by the Board and all complaints regarding the selection of the beneficiaries shall be settled by the Board. The local bodies shall render necessary assistance to the Board for the recovery of dues from the beneficiaries for such schemes".

4. In section 156A proposed to be inserted by sub clause (9) for the words "low income group" the words "economically weaker section" wherever they occur shall be substituted.

(i) sub-section (2) shall be recast as follows:-

(2) The Local authority may prepare plan and implement schemes for rural or urban housing for economically weaker section in which case the Board shall render necessary technical advice."

(ii) sub-section (3) shall be deleted.

Clause 31

1. In section 13 proposed to be substituted by sub clause (5) for the words "The Local authority" the words "The Government or local authority" shall be substituted.

2. Sub clause (6) shall be deleted.

3.

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Clause 33

In section 3AA proposed to be inserted by sub clause (2) in sub-section (1) insert the words "on any road or land vested in it'' between the words "constructed by it" and "utlising wholly".

Clause 34

1. section 18 B proposed to be added by sub-clause (2), shall be recast as follows:-

"18B. *Power of authority to transfer Water Supply and sewerage services to Local bodies"*-(1) Notwithstanding anything contained in this Act, the Authority,-

(a) shall transfer any water supply or sewerage service covering the area of a single village Panchayat; and

(b) may transfer any water supply scheme or sewerage service covering the area of a single Municipality on the request from such Village Panchayat or the Municipality, as the case may be in the manner, as may be prescribed".

2. In sub-sections (3) and (4) for the words "Local Self Government" the words "local bodies" shall be substituted.

3. Section 18C proposed to be inserted by sub clause (2) shall be deleted.

Clause 35

1. In section 3 proposed to be amended by sub clause (1) for the words "one member each from every District" the words "four members" shall be substituted.

2. In section 11 proposed to be amended by sub clause (4) under item (ii) of the words "every taluk in" shall be deleted.

3. In section 19 proposed to be amended by sub clause 6 in item (a) the words "five members" shall be substituted by the words "two members".

4. In section 48 proposed to be amended by sub clause 8 in item (i) the words "a building tax or" shall be deleted.

5. In section 48 proposed to be amended by sub clause (8) item (ii) shall be recast as follows:-

(ii) for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) The cess collected under sub-section (2), less collection charges at the rate specified by the Government, shall be paid to the State Library Council by the village Panchayat or the Municipality, as the case may be within three months from the date of such collection:

Provided that the cess collected by a Municipality or a Village Panchayat under this Act is not paid on or before the due date, the concerned local authority shall pay the said amount to the State Library Council together with penalty at the rate of two percent per men sum from the date from which it was due:

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Provided further that the Secretary and President or Chairperson of the Local authority concerned shall be jointly responsible for all belated payments and any amount paid to the State Library Council by way of penalty shall be realised from such Secretary and President or Chairperson of the Local authority".

Clause 36

1. In clause (1) The words "and the Kerala State Rural Development Board Act, 1971 (15 of 1971)" shall be deleted.

2. After sub-clause (1) a new sub-clause shall be added namely:-

"(2) Subject to the provisions contained sections 37 and 38 the Kerala State Rural Development Board Act, 1971 (15 of 1971) is hereby repealed".

Clause 37

In sub-clause (1) for the words "publication of this Act in the Gazette" the words "coming into force of this section" shall be substituted.

All other changes or modifications suggested by the committee are either verbal or consequential.

The minutes of dissent is appended.

S. SARMA
Chairman,
Subject Committee-IX.

MINUTES OF DISSENT

1. This is a new Bill. Therefore, the word "Amendment" in the name of the Bill should be deleted.

2. Certain enactments are totally repealed, clauses and sub-clauses of certain Enactments are amended and new Clauses and sub-clauses have been added in certain Enactments. Thus this a compilation and cannot be called a BILL.

3. Dissolution of Kerala State Rural Development Board and Constitution of a new company will not proved better service to Local Self Government Institutions. Provision for availing financial assistance to LSGIs are therein the Panchayat Raj Bill and Municipality Bill passed in 1994. A Parallel company for this purpose is not necessary.

4. The Bill takes away most of the powers and functions of Kerala Water Authority.

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(sd.)
P.K. ABDU RABB.

THE KERALA DECENTRALISATION OF POWERS (AMENDMENT) BILL, 2000

(As reported by the Subject Committee)

[The words sidelined or underlined indicate the modifications suggested by the Committee, Asteriks indicate omissions]

A

BILL

to give effect to certain decentralisation proposals of the Government of Kerala.

Preamble :-WHEREAS it is expedient to give effect to certain proposals of the Government of Kerala for decentralisation of powers of local self Government institutions in the State and for matters connected therewith or incidental thereto;

BE it enacted in the Fifty First year of the Republic of India as follows:-

1. *Short title and commencement*-(1) This Act may be called the Kerala Decentralisation of Powers Act, 2000.

(2) Sub-section (2) of section 36, section 37 and section 38 shall come into force on such date as the Government may by notification in the Gazette appoint and the remaining provisions of this Act shall come into force at once.

2. Amendment to Act III of 1082- In the Cochin ferries and Tolls Act, 1082 (III of 1082),-

(1) in section 2, after clause (4) the following clauses shall be inserted namely:-

"(5) "Municipality" means a town panchayat, a municipal council or a municipal corporation constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(6) "Village Panchayat" means a village panchayat, constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994)".

(2) in section 3,-

(i) in the marginal heading for the word "Diwan" the words "A Municipality or a Village Panchayat" shall be substituted;

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(ii) for the words "The Diwan may by notification in the Sirkar Gazette" the words "A Municipality or a Village Panchayat may with the prior permission of the Government" shall be substituted;

(3) after section 3 the following section shall be inserted, namely:-

"3A. *Transfer of existing ferries to Municipalities and Village Panchayats*:- All the existing ferries of the Government shall by virtue of this section be transferred to the concerned Municipality or as the case may be, the Village Panchayat for management".

(4) for section 4, the following section shall be substituted, namely:-

"4. Management of ferries and collection of ferry charges and tolls:- Wherever any such ferries and toll gates shall have been established under section 3 or transferred under section 3 A the panchayat or municipality may lease out the right of levying ferry charges and tolls or appoint such persons as it thinks fit to take charge of and manage such ferries and toll gates and to collect such ferry charges and tolls under this Act. If such right is leased out, the lessee or his duly authorised agent shall thereupon be empowered to collect such ferry charges and tolls in the like manner as any person appointed as aforesaid and they shall maintain such vessels for the use of the ferry as may be directed by the village panchayat or municipality".

(5) in section 5,-

(i) in the marginal heading for the words "The Diwan" the words "A Municipality, or a Village panchayat" shall be substituted;

(ii) for the words "The Diwan may from time to time, by notifications in Sirkar Gazette", the words "The Municipality or the Village Panchayat may from time to time, by notification * * * * * * *" shall be substituted:

(iii) * * the following proviso shall be added, namely:-

"Provided that the rates for tolls shall be revised only with the prior permission of Government".

(6) in section 6, for the word "Diwan" in both the places where it occur the words "a Municipality or a Village Panchayat" shall be substituted;

(7) in section 7, for the word "Diwan"in three places where it occur the words "a Municipality or a Village Panchayat" shall be substituted;

(8) after section 7 the following section shall be inserted, namely:-

"7A *Power to take action for default by a Village Panchayat or a Municipality*-(1) If, at any time, it appears to the Government that a Village Panchayat or a Municipality has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government, the Government may, by order in writing, fix a period for the performance of such duty, or the carrying out of such order.

(2) If such duty is not performed or such order is not carried out within the period fixed under sub-section (1) the Government may, after giving a reasonable opportunity the Village Panchayat or Municipality as the case may be,

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to explain why further action under this section may not be pursued, appoint any officer or authority to perform the duty or to carry out the functions and may direct that the expenses incurred therefore shall be paid from the fund of the Village Panchayat or the Municipality the case may be, within such time as may be specified by the Government.";

(9) in section 8,-

(a) for the word "Diwan" in both the places where it occur the words " a Municipality or a Village Panchayat" shall be substituted;

(b) for the words 'he shall by notice' the words "it shall by notice" shall be substituted;

(10) in section 9, for the words "the Sirkar" the words "the Government or a Municipality or a Panchayat" shall be substituted;

(11) in section 10, for the words "prescribed by the Dewan's notification" the words and figure "Prescribed under section 3" shall be substituted;

(12) Section 13 shall be omitted.

3. *Amendment to Act VI of 1096*-In the Travancore Public Canals and Public Ferries Act, 1096 (VI of 1096),-

(1) in section 4, after the definition of the term "Master" the following definitions shall be inserted, namely:-

"Municipality" means a Town Panchayat, a municipal council or a municipal corporation constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

"Panchayat" means a Village Panchayat, constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994).

(2) in section 10, for the words "Our Government may establish" the words "The Municipality or the Panchayat may with the prior permission of the Government establish" shall be substituted;

(3) in section 11, for the words "Our Government may be notification in Our Government Gazette" the words "The Municipality or the Panchayat may by notification" shall be substituted;

(4) in section 12,-

(a) for the words "Our Government" the words "The Municipality or Panchayat" shall be substituted;

(b) The following proviso shall be added, namely:-

Provided that new toll gates shall be established only with the prior permission of Government."

(5) after section 12 the following section shall be inserted namely:-

"12A *Transfer of existing ferries to Municipalities and Panchayats*:-

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All the existing ferries of the Government shall by virtue of this section be transferred to the concerned Municipality or as the case may be the Panchayat for management";

(6) in sections 13 and 14 for the words "Our Government" wherever they occur the words "The Municipality or Panchayat shall be substituted;

(7) After section 14 the following section shall be inserted, namely:-

"14 A *Power to take action for default by a Panchayat or a Municipality*:- (1) if, at any time, it appears to the Government that a Panchayat or a municipality has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government; the Government may, by order in writing, fix a period for the performance of such duty, or the carrying out of such order.

(2) If such duty is not performed or such order is not carried out within the period fixed under sub-section (1) the Government may, after giving a reasonable opportunity to the Panchayat or Municipality, as the case may be, to explain why further action under this section may not be pursued appoint any officer or authority to perform the duty or to carry out the functions and may direct that the expenses incurred therefore shall be paid from the fund of the Panchayat or the Municipality as the case may be within such time as may be specified by the Government";

(8) Section 84 shall be omitted.

4. Amendment to Act II of 1980:-In the Madras Canals and Public Ferries Act, 1890 (Madras Act II of 1890),-

(1) in section 3, after the definition of the term "ferry" the following shall be inserted, namely:-

"Municipality" means a town panchayat, municipal council or a municipal corporation constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994)"

"Panchayat" means a village Panchayat, constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994)"

(2) for section 6, the following section shall be substituted, namely:-

"6. *Power of a Municipality or a Panchayat to fix fees and rates of toll and to establish toll stations*-(1) The Panchayat or municipality may from time to time-

(a) fix rates of fees payable for the licensing or registration of vessels;

(b) with the prior permission of the Government establish stations at which tolls shall be levied on vessels passing along a canal or on passengers, vehicles, animals or goods landed there from, and fix the rates of such tolls;

(c) fix fees for the use of public landing places, wharves, piers, jetties, docks, basins, lie-byes, siding, sheds or whare-houses, which are owned by them and provided for the accommodation of vessels using a canal or of goods

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or passengers carried or to be carried thereon and for demurrage on vessels or goods detained therein.

(2) An order of such tolls or fees under clauses (b) and (c) of sub section (1) shall be exhibited to public view in English and in the vernacular language of the district at the places where such tolls or fees are leviable.

6A. Transfer of existing ferries to Muncipalities and Panchayats- All the existing ferries of the Government shall by virtue of this section be transferred to the concerned Municipality or as the case may be, the Panchayat for management";

(3) for section 10, the following section shall be substituted, namely:-

"10. *Power of municipality or Panchayat to provide for management of ferries*-(1) Municipality or a Panchayat may

(a) provide for the management of any public ferry; or

(b) authorise any person to convey passengers, animals, vehicles or goods across a channel by means of vessels at any public ferry.

(2) All vessels used by a person authorised under clause (b) of sub section (1) shall be licensed and the municipality or the Panchayat, as the case may be, may fix the fees payable for such licence.

(3) In the cases referred to in clauses (a) and (b) of sub-section (1), the municipality or the panchayat may levy charges at such rates as they may fix upon passengers, animals, vehicles and goods conveyed across the ferry.

(4) A notice in English and Malayalam specifying the charges leviable at a ferry under sub-section (3) shall be exhibited to public view on each side of the ferry".

(4) after section 10 the following section shall be inserted, namely:-

"10A *Power to take action for default by a Panchayat or a Municipality*:-(1) If, at any time, it appears to the Government that a panchayat or a municipality has made default in performing any duty imposed by or under this Act or in carrying out any orders lawfully issued by the Government, the Government may, by order in writing, fix a period for the performance of such duty, or the carrying out of such order.

(2) If such duty is not performed or such order is not carried out within the period fixed under sub-section (1) the Government may, after giving a reasonable opportunity to the panchayat or municipality, as the case may be, to explain why further action under this section may not be pursued, appoint any officer or authority to perform the duty or to carry out the functions and may direct that the expenses incurred therefore shall be paid from the fund of the Panchayat or the Municipality, as the case may be, within such time as may be specified by the Government";.

(5) Section 22 shall be omitted.

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5. *Amendment to Act III of 1939-* of In the Madras Public Health Act, 1939 (Madras Act III of 1939),-

(i) in section 1, for sub section (2) the following sub section shall be substituted, namely,-

"(2) It extends to the whole of the Malabar District and the Kasargod taluk of south Canara district as defined in clause (b) of section 5 of the states Reorganisation Act, 1956 (Central Act 37 of 1956)

(2) Section 2 shall be omitted;

(3) in section 3,-

(a) clause (3A) shall be omitted;

(b) for clauses (8) and (9), the following clauses shall respectively be substituted, namely:-

"(8) "Executive Authority" means * * * * * * any functionary of the local authority concerned, who is vested with general executive powers under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 if 1994) or the local Tahasildar, as the case may be".

(9) "Executive Officer" means the paid officer, if any, of the local authority who is invested with general executive powers in the local area for which such authority is constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) or any officer subordinate to the local Tahasildar, as the case may be";

(c) for clause (20) the following shall be substituted, namely:-

"(20) "local authority" means a Panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994)".

(d) for clause (36) the following clause shall be substituted, namely:-

"(36) "Urban local authority" means a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);"

(4) in section 4,-

(a) in sub-section (1) the words "of Madras" shall be omitted;

(b) and in subsequent sections for the words "Director of Public Health" wherever they occur the words "Director of Health Services" shall be substituted;

(5) for section 9, the following section shall be substituted, namely:-

"9. *Appointment or nomination of health officer:-* (1) every village Panchayat and Municipality shall have a health officer.

(2) Where in the area of a village panchayat or municipality there is no health officer posted, the Government may nominate a medical officer serving in any health institution under the control of the village Panchayat or

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municipality, as the case may be, to function as the Health Officer Ex-officio of that village panchayat or municipality."

Provided that if no such medical officer as aforesaid is available for nomination, the Government may nominate a medical officer under the control of a nearby village Panchayat or Municipality to function as the Health Officer Ex-officio."

(6) after section 16, the following section shall be inserted, namely:-

"16A *Local authority to manage health institution*:-(1) The local authority shall manage health institutions transferred to it by Government.

(2) No sale, mortage, lease, pledge, charge or transfer of possession of any land appurtenant to a health institution transferred a local authority shall be made and such land shall not be used for any purpose other than the purposes for which it was transferred to a local authority.

(3) The Government may issue directions to the local authority on matters relating to health policy, planning for health facilities, standards to be maintained, mode of administration and it shall be the duty of the local authority to carry them out";

(7) section 143 B shall be omitted.

6. *Amendment of Madras Act 18 of 1943* :- In the Madras Irrigation Works (Repairs, Improvement and construction) Act, 1943 (Madras Act XVIII of 1943),-

(1) to section 6, the following explanation shall be added, namely:-

"Explanation-For the purpose of this section, 'District Collector' means the Secretary as defined in clause (43) of Section 2 of the Kerala Municipality Act, 1994 (Act 20 of 1994) or in clause (XL) of Section 2 of the Kerala Panchayat Raj Act, 1994 (Act 13 of 1994).

(2) in sub-section (1) section 7,

(i) the words "Fort St. George" shall be omitted;

(ii) for the words "to any person or authority subordinate to the State Government" the words "to the Panchayat and Municipalities, as the case may be, constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) and the Kerala Municipality Act, 1994 (20 of 1994) respectively:, shall be substituted.

7. *Amendment to madras Act VII of 1947* – In the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 (Madras Act, VII of 1947),-

(1) in section 2,-

(1) clause (a) shall be relettered as clause (aa), and before clause (aa) as so relettered the following clause shall be inserted, namely:-

"(a) "Collector" means the Secretary as defined in clause (XL) of section 2 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or in clause (43) of section 2 of the Kerala Municipality Act, 1994 (20 of 1994),"

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(2) clause (d) shall be relettered as clause (db) and before clause (db) relettered the following clauses shall be inserted, namely:-

(d) "Municipality" means a Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (13 of 1994)

(da) "Panchayat" means a Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994)".

(2) After section 2, following section shall be inserted, namely:-

"2A. *Exercise of the powers of Government by the Panchayat or Municipality and its employees*:- The powers conferred on the government under this Act except the powers under section 7 and 20 shall, subject to such conditions and restrictions as may be prescribed be exercised by Panchayat or the Municipality or such other authority or officer as it may authorise, in respect of irrigation works other than major projects."

8. *Amendment to Madras Act 19 of 1949* – In the Madras Irrigation Tanks (Improvement) Act, 1949 (Madras Act 19 of 1949).

(1) in section 2, clause (a) shall be relettered as clause (aa) of that section and before clause (aa) as so relettered, the following clause shall be inserted, namely:-

"(a) "District Collector" means the Secretary as defined in clause (43) of section 2 of the Kerala Municipality Act, 1994 (20 of 1994) or as defined in clause (XL) of section 2 of the Kerala Panchayat Raj Act, 1994 (43 of 1994)".

(2) in section 7,- 13

(a) in sub-section (1), the words "Fort St. George" shall be omitted;

(b) for clause (b) of sub-section 2, the following clause shall be substituted, namely:-

"(b) The delegation of the powers of the Government under Section 3 to the Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or to the Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994) or any other authority or any officer of the Government and the control and revision of the acts and proceedings of any such authority or officer."

9. Amendment to Act 34 of 1950 :- In the Tranvancore-Cochin Fisheries Act 1950 (34 of 1950),-

(1) in section 2, after the definition of "Fixed engine" the following definition shall be inserted, namely:-

"local authority" means a village Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);"

(2) in section 6, for the words "one hundred rupees", the words "one thousand rupees" shall be substituted;

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(3) in sub-section (1) of section 7 for the words "two hundred rupees" the words "two thousand rupees" shall be substituted.

(4) in sub-section (1) of section 8, for the words "two hundred rupees" the words "two thousand rupees" shall be substituted.

(5) to section 9, the following shall be added at the end, namely:-

"by a local authority"

(6) for the first proviso to section 11, the following proviso shall be substituted, namely:-

"Provided that the Government or the local authority may, in the interests of scientific research, exempt any person from taking out a license under this Act";

(7) in section 12, for the word "Government" the words "Government or local authority" shall be substituted;

(8) in section 17, for the word "Government", the words "Government or local authority" shall be substituted;

(8) in section 18, after the word "appeals", the words "to the local authority" shall be inserted;

* * * * * * * * *

* * * * * * * * *

(10) In section 22,-

(i) in the proviso to sub-section (4), for the words "at rupees five per acre" the words "at rupees one hundred and twenty five per hectare" shall be substituted;

(ii) in sub-section (5) for the words "one hundred rupees" the words "five hundred rupees" shall be substituted;

(11) after section 23, the following section shall be inserted, namely:-

23A. *Recovery of rents, fees etc., on account of fishing leases and licenses*:-All rents, fees and other moneys payable to local authority on account of fishing leases and licenses granted by it shall be recovered in like manner as if they were arrears of land revenue."

10. *Amendment to Act 23 of 1952*:- In the Travancore-Cochin Irrigation Tanks (Preservation and Improvement) Act, 1952 (23 of 1952),-

(1) in section 2,-

(a) for clause (i), the following clause shall be substituted, namely:-

"(i) "Collector" means the District Collector or Secretary of a Village Panchayat or a Municipality notified by the Government for this purpose."

(b) after clause (ii), the following clauses shall be inserted, namely:-

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"(iii) "municipality" means a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(iv) "Panchayat" means a Village Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(2) after section 3, the following section shall be inserted, namely:-

"3A. *Exercise of the powers of Government by the panchayat or municipality*:- The powers conferred on the Government under this Act except the power under sub-section (2) of section 7 shall be exercised by the Panchayat or Municipality or such authority or Officer as it may authorise subject to such conditions and restrictions as may be specified by the Government by notification in the Gazette".

11. *Amendment to Act 16 of 1955*:- In the Travancore Cochin Public Health Act, 1955 (XVI of 1955)-

(1) in section 2,-

(a) clause (6A) shall be omitted;

(b) for clause (10), the following clause, shall be substituted namely:-

"(10) "Executive Authority" means any * * * * * * functionary of the local authority concerned, who is vested with general executive powers under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) or the local Tahasildar, as the case may be;"

(c) for clause (11), the following shall be substituted, namely:-

"(11) "Executive Officer" means the paid officer, if any, of a local authority who is vested with general executive powers in the area for which such authority is constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) or any officer subordinate to the local Tahasildar, as the case may be";

(d) for clause (21), the following shall be substituted, namely:-

"(21) "local authority" means a panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);"

(e) for clause (38) the following clause shall be substituted namely:-

"(38) "urban local authority" means a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(2) in section 3 and in the subsequent sections, for the words "Director of Public Health" wherever they occur * * * * * the words "Director of Health Services" shall be substituted:

(3) for section 7, the following section shall be substituted, namely:-

"7. Appointment or nomination of Health Officer-(1) Every village panchayat and Municipality shall have a Health Officer.

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(2) Where in the area of a village Panchayat or municipality there is not Health Officer posted, the Government may nominate a medical officer serving in any health institution under the control of the village Panchayat or municipality, as the case may be, to function as the Health Officer Ex-officio of that village Panchayat or municipality:

Provided that if no such medical officer as aforesaid in available for nomination the Government may nominate a medical officer under the control of a nearby village Panchayat or Municipality to function as the Health Officer Ex-Officio";

(4) after section 14, the following section shall be added, namely:-

"14A. *Local authority to manage health institution*-(1) The local authority shall manage health institutions transferred to it by Government.

(2) No sale, mortgage, lease, pledge charge or transfer of possession of any land appurtenant to a health institution transferred to a local authority shall be made and such land shall not be used for any purpose other than the purposes for which it was transferred to a local authority.

(3) The Government may issue directions to the local authority on matters relating to health policy, planning for health facilities, standards to be maintained, mode of administration and it shall be the duty of the local authority to carry them out."

(5) Section 154 A shall be omitted.

12. *Amendment to Act 3 of 1955*- In the Madras Irrigation (Levy of Betterment Contribution) Act, 1955 (Madras Act 3 of 1955) after section 12, the following section shall be inserted, namely:-

"12 A. *Exercise of the powers of Government by the Village Panchayat or the Municipality and its employees*:- The powers conferred on the Government under this Act except the power under section 13 shall, subject to such conditions and restrictions as may be prescribed, be exercised by the Village Panchayat or Municipality, as the case may be, constituted, under the Kerala Panchayat Raj Act, 1994 (13 of 1994) and the Kerala Municipality Act, 1994 (20 of 1994) respectively or such other authority or officer as it may authorise, in respect of irrigation works other than major projects."

13. Amendment to Act 7 of 1956-In the Travancore-Cochin Irrigation Act, 1956 (7 of 1956),-

(1) in section 2,-

(a) for clause (1), the following clause shall be substituted, namely:-

"(1) "Collector" means the District Collector or Secretary of a Panchayat or a Municipality notified by the Government for this purpose."

(2) after clause (10). the following clause shall be inserted, namely:-

"(10a) "Municipality" means a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);"

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(3) after clause (11), the following clause shall be inserted, namely:-

"(11a) "Panchayat" means a Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994);"

(2) after section 3, the following section shall be inserted, namely:-

"3A. *Exercise of the powers of Government by the Panchayat or the Municipality*:- The powers conferred on the Government under this Act except the power under section 42 shall, subject to such conditions and restrictions as may be prescribed, be exercised by the Panchayat or Municipality as the case may be or such other authority or officer as it may authorise, in respect of irrigation works other than major projects;"

(3) in sub-section (2) of section 4, the words "with the previous sanction of the State Government" shall be omitted;

(4) in section 6, for the word "Collector" the words "Local Authorities" shall be substituted.

14. *Amendment to Act 9 of 1957* :- In the Kerala Khadi and Village Industries Board Act, 1957 (9 of 1957),-

(1) after clause (ii-a) in section 2, the following clause shall be inserted, namely:-

"(ii-b) "local authority" means a Panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(2) in clause (a) sub-section (2) of section 4, after the words "village industries" the words "of whom one shall be from among the District Panchayat Presidents and one shall be from among the Mayors of municipal corporation or a Chairperson of a municipality" shall be inserted;

(3) after sub-section (5) of section 10, the following sub-section shall be inserted, namely:-

"(6) The local authorities shall have power to supervise the schemes of the Board formulated and funded by them.";

(4) In section 15,-

(a) in sub-section (1), after the words "village industries" and before the words "and perform" the following words shall be inserted, namely:-

"and to assist the local authorities in implementations of the Schemes for the development of Khadi and Village Industries";

(b) in sub-section (2),-

(i) item (6) shall be omitted;

(ii) for item (6A) the following shall be substituted, namely:-

"(6a) to carry on trading activities by way of running emporia, neera bhavans, depots, manufacturing centres and the like on request from a Panchayat or Municipality or Institution aided by the Board or individuals."

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(iii) for item (10), the following item shall be substituted, namely:-

"(10) to arrange for publicity and popularising of goods manufactured in Khadi and Village Industries by opening stores, shops, exhibitions and the like and to carry on such activities incidental and conducive to the objects of this Act and to perform such other functions as the Government may direct for the purpose of carrying out the objects of this Act;"

(5) in section 16,-

(a) in the first proviso to item (i) for the words "aforesaid powers" the words "aforesaid powers except the power to acquire" shall be substituted;

(b) in item (ii), after the word "Government" the word "or local authorities" shall be inserted;

(6) for section 16A, the following section shall be substituted, namely:-

"16A. *Delegation of functions of the Board to local authorities*,- The Government may by order delegate the functions of the Board under this Act to the local authorities, subject to such conditions as may be specified in that order";

(7) in section 17,-

(a) in sub-section (1) for the words "forward to the Government a programme of work" the words, figures and brackets "forwarded to the Government and the District Planning Committee Constituted under section 53 of the Kerala Municipality Act, 1994 (20 of 1994) a programme of word: shall be substituted;

(b) after sub-section (2) the following sub-section shall be inserted, namely:- "(3) The District Planning Committee shall within one month from the date of receipt of the programme of work from the Board forward the same to the Government with its recommendations."

(8) to Section 18, the words "after due consideration of the recommendations of the District Planning Committees" shall be added at the end.

(9) in section 19 before the word and figure 'section 18' the word and figure section 17' shall be inserted;

(10) in section 19A for the word 'Government' the words "Government and the District Planning Committee concerned" shall be substituted.

15. *Amendment of Act 8 of 1958*-In the Kerala Land Conservancy Act, 1957 (8 of 1958).

(1) in the Explanation IV to clause (1) of section 3, for the words "or to a municipal corporation" the words "or to any Panchayat as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or any municipality as defined in the Kerala Municipality Act, 1994 (20 of 1994)" shall be substituted;

(2) in section 15, after the words "any officer" the words "including the Secretaries of Panchayats and Municipalities" shall be inserted.

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16. *Amendment to Act 18 of 1958*-In the Kerala Lime Shells (Control) Act, 1957 (18 of 1958),-

(1) in sub-section (1) of section 2,-

(a) for clause (b), the following clause shall be substituted namely:-

(b) Licensing Authority" means the Secretary of the local authority within whose jurisdiction the business of selling, collecting or stocking of lime shell is carried on or proposed to be carried on;";

(b) after clause (c) the following clause shall be inserted, namely:-

"(cc) "local authority" means a Village Panchayat constituted under section 4 of Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(2) for sub-section (5) of section 3 the following sub-section shall be substituted namely:-

"(5) Any person aggrieved by an order of the Licensing Authority under sub-section (3) or sub-section (4), may appeal to the village Panchayat or municipality as the case may be within such time and in such form, as may be prescribed, the appeal shall be heard by the said authority in such manner as may be prescribed and the decision of that authority shall be final".

17. *Amendment to Act 32 of 1958*:- In the Kerala Cinemas Regulation Act, 1958 (32 of 1958)-

(1) in section 2, after clause (1), the following clause shall be inserted, namely:-

"(1A) "Local Authority" means a village Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994) as the case may be;"

(2) in section 4 for the words "Executive authority" the word "Secretary" shall be substituted;

(3) in section 6,-

(a) in sub-section (1), for the words "the enactments specified in the Schedule as in force in any part of the State", the words figures and brackets "the Kerala Panchayat Raj Act, 1994 (13 of 1994) and the Kerala Municipality Act, 1994 (20 of 1994)" shall be substituted;

(b) in sub-section (2) the words "and with the previous concurrence of the local authority concerned" shall be omitted;

(4) in section 10,-

(a) in sub-section (1), for the words "one thousand rupees" the words "ten thousand rupees" and for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

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(b) in sub-section (2), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(5) the Schedule shall be omitted.

18. *Amendments to Act 6 of 1959*- In the Kerala Education Act, 1958 (6 of 1959),-

(1) In section 2,-

(a) after clause (1), the following clause shall be inserted, namely:-

(2A) "District Educational Authority" means district educational authority constituted under section 17;";

(c) after clause (3), the following clause shall be inserted, namely:-

(2A) "District Educational Authority" means district education authority constituted under section 17;"

(b) after clause (3), the following clause shall be inserted, namely:-

"(3A) "Local Authority" means a Panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994), or Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994).;

(c) clause (4) shall be omitted;

(2) after section 5, the following sections shall be inserted, namely:-

"5A. *Management of Government Schools and Aided Schools taken over or acquired by Government*-The management of every Government Schools and that of aided school taken over or acquired by the Government under section 14 or section 15, as the case may be, shall vest as specified below, the local authority noted against each, namely:-

(a)	Pre-primary Schools and Primary schools in rural areas.	Village Panchayat having jurisdiction over the area in which the school is situate
(b)	High Schools (including lower primary or upper primary section attached to high schools) and higher secondary schools in rural areas.	District Panchayat having jurisdiction over the area in which the school is situate.
(c)	Pre-primary schools primary schools, high schools and higher secondary schools in urban areas.	Municipality having jurisdiction over the area in which the school is situate.

5B. *Restriction on alienation property of Government Schools*:- Notwithstanding anything contained in any law for the time being in force or any decree, judgment or order of any court, no sale, mortgage, lease, pledge charge or transfer of possession of any land appurtenant to a Government School vested with a local authority under section 5A shall be made and such land shall not be used for any purpose other than educational purposes:

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provided that nothing contained in this section shall prohibit surrender of any such land with the permission of the Government for the purpose of widening of any road."

(3) after section 10, the following section shall be inserted, namely:-

"10A. Temporary appointment of teachers:-Subject to such terms and conditions as may be prescribed by the Government the local authority may make temporary appointment to any temporary vacancy of teacher in any school under its management through the Employment Exchange from among persons who possess qualifications prescribed under section 10, and such appointment shall be made only upto the date of closing of the school for the annual vacation or till a regular candidate is appointed against such vacancy, whichever is earlier."

(4) for section 17 and 18, the following sections shall be substituted, namely:-

"17. *Establishment of District Educational Authority*:-(1) For the purpose of associating people with the administration of education and to preserve and stimulate local interest in education affairs, each District Planning Committee constituted under section 53 of the Kerala Municipality Act, 1994 (20 of 1994), shall establish a District Education Authority having jurisdiction in the district.

(2) The District Educational Authority shall consist of the following persons, namely:-

(a) the District Panchayat President, *ex-officio* who shall be its chairperson:

(b) the Chairperson of the standing committee for Health and Education in the District Panchayat. Ex-officio;

(c) One woman elected from among the members of the standing committee for health and Education in the District Panchayat;

(d) two persons elected from among the Presidents of the Village Panchayats, in the district of whom one shall be a woman;

(e) the Chairperson of the Standing Committees for Health and Education of all the Municipalities in the District;

(f) the Deputy Director of Education, who shall be the *ex-officio* Member Secretary of the Committee;

(g) one person elected from among the Headmasters of the Government High Schools in the district;

(h) one person elected from among the Headmasters of Aided High Schools in the district;

(i) one person elected from among the Headmasters of Aided Upper Primary and Lower Primary Schools in the district;

(j) one person elected from among the Headmasters of Aided Upper Primary and Lower Primary Schools in the District;

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(k) two persons nominated by the Government from among educational experts;

(l) two representatives of the educational agencies in the district nominated by the Government.

(3) The term of office of the members other than the functionaries of the local authorities and *ex-officio* members shall be five years from the date of the first meeting of the District Educational Authority.

(4) An out-going member shall continue in office until the election or nomination, as the case may be, of his successor.

(5) The election of the members of the District Educational Authority shall be conducted in such maner as may be prescribed.

(6) The term of office of a member elected or nominated to fill a casual vacancy shall be for so long only as the member whose place has been filled would have been entitled to hold office if the vacancy had not occured.

(7) It shall be lawful for the District Educational Authority to exercise its powers under this Act notwithstanding any vacancy in the Authority.

18. *Functions of the District Educational Authority* :- The District Educational Authority shall,-

(i) assess the educational needs of the district by conducting surveys or otherwise and prepare each year, schemes for the development of education and submit the same to the District Planning Committee including the necessity, if any, for opening new schools or upgrading of existing schools;

(ii) supervise the implementation of the schemes related to the health and nutrition of school children;

(iii) promote conferences, exhibitions or other measures calculated to create interest in education among the public; and

(iv) carry out such other functions as may be prescribed or entrusted by the District Planning Committee, as the case may be."

18A. Educational Development Committee:- (1) The local authority concerned shall constitute an educational development committee consisting of such members as may be prescribed for each school under its management for attending to the welfare needs thereof.

(2) The Educational Development Committee shall create an educational development fund, in such manner as may be prescribed, for the purpose of meeting the expenses that may arise in connection with the welfare measure of the school.

(5) In section 30, for the word "Government", the words "local authority" shall be substituted;

(6) In section 34 for the words "Education Department" words "Education Department or the local authority" shall be substituted;

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(8) For section 34A, the following section shall be substituted, namely:-

"34A. *Drinking water and toilet facilities in schools*:- (1) The manager of every aided school or recognised school shall arrange adequate toilet and drinking water facilities in the schools and furnish a report to the Secretary of the local authority on such arrangements before the beginning of each academic year.

(2) *On receipt of a report under sub-section*-(1) The Secretary of the local authority or the officer authorised by him in this behalf shall inspect and certify the adequacy of the arrangements made by the manager under that sub-section.

(3) The local authority shall arrange adequate toilet and drinking water facilities in the schools the management of which are vested in it under section 7A".

19. *Amendment of Act 30 of 1960*:- In the Kerala Government Land Assignment Act, 1960 (30 of 1960) the existing section 3 shall be numbered as sub-section (1) of that section, and after the section so re-numbered, the following sub-section shall be inserted, namely:-

"(2) No Government land assignable of public purpose may be assigned under sub-section (1) without consulting the local authority as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) as the case may be, and if such local authority requires such land, for carrying out any of the functions assigned to it, Government may set apart such land for that purpose."

20. *Amendment of Act 37 of 1961*:- In the Kerala Survey and Boundaries Act, 1961 (37 of 1961), after section 4, the following section shall be inserted, namely:-

"4A. *Government may direct the Survey and demarcation of any lands belonging to local authority*:- Whenever a local authority as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or in the Kerala Municipality Act, 1994 (20 of 1994) requests the Government for surveying and demarcating the boundaries of any land vested or owned by it, the Government or any officer or authority authorised by the Government in this behalf, by notification in the Gazette shall get the land surveyed and demarcated."

21. *Amendment to Act 26 of 1961*:-In the Kerala Cattle Trespass Act, 1961 (26 of 1961),-

(1) In section 2,-

(a) clause (2) shall be omitted;

(b) for clause (3) the following clause shall be substituted, namely:-

"local authority" means a village Panchayat constituted under section 4 of the Kerala Panchayt Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994)";

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(2) for section 3, the following section shall be substituted, namely:-

"3. *Establishment of pounds*:- (1) Pounds may be established at such places in each village Panchayat or municipality if the local authority so decides.

(2) Any pound established in one local authority may be used by the adjacent local authority subject to the conditions as may be mutually agreed by the local authorities concerned";

(3) in section 5,-

(a) in sub-section (3), after the word "shall" the words "be as prescribed" shall be inserted;

(b) clause (a) and (b) of sub-section (3) shall be omitted;

(c) sub-section (1) shall be omitted;

(4) in sub-section (1) of section 9, for the words "twenty four", the word "twelve" shall be substituted;

(5) in section 10, the words "and such other officers as the Director may empower in this behalf" shall be omitted;

(6) in section 11,-

(a) the word "Director" wherever it occurs, shall be substituted by the words "local authority";

(b) in sub-section (3), the words :or where there is no municipal corporation, municipal council or Panchayat, in such manner as the Government may from time to time direct" shall be omitted;

(7) in section 11A for the word "Director" and "him" the word "local authority" and "it" shall respectively be substituted;

(8) in section 13,-

(a) in sub-section (1), the words "or to such officer as the Director specified in this behalf" shall be omitted;

(b) in sub-section (2), the words "or the other officer" and "by beat of drum" shall be omitted;

(c) in sub-section (3),-

(i) for the word "Director" the words "local authority" shall be substituted;

(ii) the words "or the said officer or any other officer subordinate to him deputed for that purpose" shall be omitted;

(iii) the proviso shall be omitted;

(9) in sub-section (1) of section 15, the words "or by such officer, as the case may be" shall be omitted;

(10) in sub-section (1) of section 17, the words "or where there is no Municipal Corporation, Municipal Council or Panchayat, in such manner as the Government may from time to time, direct" shall be omitted;

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(11) in sub-section (2) of section 18, the words "the Director or" and the words "or the Magistrate acting under Chapter V of this Act or a Civil Court, in writing, stating the reasons for such order" shall be omitted;

(12) in section 19, for the words; "the District Magistrate or any Magistrate authorised to receive and try charges without reference by the Magistrate of the district" the words "local authority' shall be substituted;

(13) in section 20 and 21 the words "the Magistrate" wherever they occur the words "Secretary of the local authority" shall be substituted;

(14) in section 22, for the words "in the manner provided for the recovery of fines under the Code of Criminal Procedure, 1898" the words "as to it were arrears of public revenue due on land" shall be substituted;

(15) section 31 shall be omitted.

22. Amendment to Act 20 of 1961:- In the Kerala Local Authorities Entertainment Tax Act, 1961 (20 of 1961),-

(1) in section 2, for clause (6), the following clause shall be substituted, namely:-

"(6) "Local authority" means a village Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994)".

(2) in section 3,-

(a) for the words "not less than fifteen percent and not more than thirty percent", the words "not less than twenty four percent and not more than forty eight percent" shall be substituted;

(b) the following proviso shall be inserted, namely:-

"Provided that the rate thus fixed shall not be lower than the sum of the entertainment tax levied under this section and additional tax on entertainment levied under the Kerala Additional Tax on Entertainment and surcharge on Show Tax Act, 1963 (22 of 1963) prevailing in the area prior to the date of commencement of the Kerala Decentralisation of Powers * * Act, 2000.";

(3) after section 3, the following section shall be inserted, namely:-

"3A. *Entertainment tax on seating capacity*:- Notwithstanding anything contained in sections 3 and 4, a local authority may levy entertainment tax based on seating capacity in the manner prescribed.";

(4) in section 6A,-

(a) in clause (a), for the words "twenty five rupees", the words "hundred rupees" shall be substituted;

(b) in clause (b), for the words "fifteen rupees", the words "sixty rupees" shall be substituted;

(5) sub-section (2) of section 7 shall be omitted;

(6) in section 9,-

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(a) in sub-section (1),-

(i) for the words "Chairman of a municipal council or the President of a Panchayat", the words "Chairperson of the municipality or President of the Village Panchayat" shall be substituted;

(ii) for the words "Director of Municipal Administration or the Director of Panchayats", the word "Government" shall be substituted;

(b) in sub-section (2), for the words "two hundred rupees", the words "two thousand rupees" shall be substituted;

(7) in sub-section (1) of section 10,-

(a) for the words "two hundred rupees", the words "two thousand rupees" shall be substituted;

(b) after the words "liable to pay any tax", the words "including escaped tax" shall be inserted;

(c) the following explanation shall be inserted at the end, namely:-

"*Explanation*:- The term "escaped tax" shall mean and include any amount of tax detected or revealed to have been not paid or to have escaped assessment on a verification by the licensing authority or an authorised officer and calculated or assessed with details collected during his inspection or enquiry. Such assessment shall be presumed to be correct unless the assessed produces sufficient proof to rebut the calculation of the escaped tax";

(8) In sub-section (3) of section 12,-

(a) for the words "Director or such other officer not below the rank of Deputy Director as may be authorised by him", the words "the Government or any officer authorised by the Government" shall be substituted;

(b) the words "provided that in the case of the bye laws made by a municipal corporation the approval shall be that of the Government" shall be omitted.

(c) The Explanation shall be omitted.

23. *Amendment to Act 40 of 1963*:- In the Kerala Places of Public Resort Act, 1963 (40 of 1963),-

(a) for section 5, the following section shall be substituted, namely:-

"5. *Authority to whom application should be made*:- An application under section 4 shall be made to the Secretary of the Municipality or the village panchayat as the case may be.";

(b) for sub-section (3) of section 11, the following shall be substituted, namely:-

"(3) The appeal shall lie to the council of the municipality or, as the case may be, the village Panchayat concerned".

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(c) in section 13, for the word "Government", wherever it occurs, the words, figures and brackets "the Appellate Tribunals constituted under section 271 S of the Kerala Panchayat Raj Act, 1994 (13 of 1994)" shall be substituted;

(d) in section 16,-

(i) in sub-section (1), for the words "five hundred rupees" the words "two thousand and five hundred rupees" shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:-

"(5) The licensing authority may, subject to such restriction and control as may be prescribed, compound any offence punishable under this Act, or any rules or bye-laws made hereunder which may, by rules, be declared compoundable."

24. *Amedment to Act 30 of 1963*:- In the Kerala Local Authorities Loans Act, 1963 (30 of 1963).

(1) in section 2, for clause (i), the following shall be substituted namely:-

"(1) "local authority" means any person legally entitled to the control or management of any local fund or legally entitled to impose any cess, rate, duty, fee or tax and includes the Panchayat or the Council of the Municipality, as the case may be, and also includes the Secretary of such local authority if he has been specifically authorised by the local authority for discharging the duties and functions under this Act.

Explanation:- A person means and includes any authority or body corporate.";

(2) in section 3, after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) The borrowing powers of a local authority shall be fixed by the Government in relation to the annual income of that local authority:

Provided that nothing in this section shall affect the issuance of Revenue Bonds by the local authority by pledging the revenue stream from the project ring fenced by escrow accounts and credit enhancements.".

25. *Amendment of Act 17 of 1964*:- In the Kerala Land Development Act, 1964 (17 of 1964),-

(i) in section 2,-

(a) before clause (b) the following clause shall be inserted, namely:-

"(a) "Board" means the Kerala Land Development Board constituted under section 3;";

(b) for clause (b), the following clause shall be substituted namely:-

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"(b) "Collector" means the Member-Secretary of the District Land Development Committee constituted under the Kerala Municipality Act, 1994 (20 of 1994);";

(c) for clause (c), the following clause shall be substituted namely:-

"(c) "District Committee" means the District Land Development Committee reffered to in section 5;";

(2) the Board shall consists of-

(a) the Minister for Agriculture who shall be the Chairman;

(b) the Minister for the Local Self Government who shall be the co-chairman;

(c) the Agriculture production commissioner, ex-officio;

(d) the Secretary Agriculture;

(e) the Secretary, Local Self Government, ex-officio;

(f) the Secretary to Government, Department of Irrigation, ex-officio;

(g) the State Land use Commissioner, ex-officio;

(h) the Chief Engineer in charge of Irrigation, ex-officio;

(i) the Chief Conservator of Forest, ex-officio;

(j) the Director of Agriculture, ex-officio;

(k) the Vice Chancellor of Kerala Agriculture University, ex-officio;

(l) the Director, Centre for Water Resources Development and Management, Kozhikode, ex-officio;

(m) the Director, Centre for Earth Science Studies, Thiruvananthapuram, ex-officio;

(n) the Director, Kerala Forest Research Institute, Peechi, ex-officio;

(o) nominee of Indian Council for Agriculture Research;

(p) Nominee of National Remote Sensing Agency;

(3) The Agricultural Production Commissioner shall be the Member secretary to the Board.

(4) All communications and orders of the Board shall be issued by the Member-Secretary or by such officer subordinate to him as may be authorised by the Board in this behalf.

(4) *Functions of the Board*:- (1) the Functions of the Board shall be,-

(a) to direct the District Committees for the preparation of draft schemes within their respective jurisdiction;

(b) to consider and approve the draft schemes prepared by the District Committees;

(c) to devise ways and means for the speedy execution of schemes sanctioned by the Board or Government;

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(d) to fix the physical and financial targets for each district;

(e) to perform such other functions as may be specified in this Act or in the rules made thereunder;

(f) to advice Government on the strategies to be followed for land and water conservation as well as eco-restoration; and

(g) to advice Government not the priority areas, technology options, research needs and provide feed-back on works taken up.

(2) without prejudice to the functions specified in sub-section (1, if any grant is made or loan advanced to the District Committee or Padasekhram Committee under section 18 to carry out any scheme, the Board shall take necessary steps to carry out the scheme by officer or Padasekharam Committee appointed for the purpose in accordance with the terms and conditions under which such grant or own is made or advanced and for that purpose the Board shall be competent to issue necessary .nstructions which shall be complied with by such officer or the padasekhharam Committee, as the case may be.

5. *Constitution of District Committees*:- The District Planning Committee constituted under the Kerala Municipality Act, 1994 (20 of 1994) shall function as a District Land Development Committee in which the following persons shall also be included, namely:-

(a) the District Agriculture Officer;

(b) the District Soil Conservation Officer;

(c) the Executive Engineer in charge of Irrigation in the District;

(d) the Divisional Forest Officer having jurisdiction in the District."

(3) in section 7,-

(1) fore clause (2), the following shall be inserted, namely:-

"(1) to make recommendations to the Board as to the area in the district for which schemes may be prepared".

(2) for clause (2), the following shall be substituted, namely:-

"(2) to prepare schemes for areas in the district on the direction of the Board.".

(3) after clause (4), the following, clauses shall be inserted, namely:-

"(5) to carry out the instructions issued by the Board from time to time.

(6) to issue approval for the schemes prepared."

(4) after section 7B the following sections shall be inserted, namely:-

'7C *Watershead Committee*:-(1) The District Planning Committee constituted under the Kerala Municipality Act, 1994 (20 of 1994) may constitute watershead committee to assist the District Land Development Committee

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(2) The manner of constitution of Watershead Committee shall be such as may be prescribed.

7D. *Functions of the Watershed Committee*:- The Watershead Committee shall exercise such powers and discharge such duties as may be prescribed."

(5) for section 12, the following section shall be substituted, namely:-

"12. *Power of District Committee to sanction schemes*:- After considering the objections and the report and recommendations of the Inquiry Officer the District Committee may sanction a scheme:

Provided that every scheme sanctioned by the District Committee shall be registered in the Sub-Registry Office concerned in the manner prescribed."

(6) in section 14, sub-sections (2), (3) and (4) shall be omitted;

(7) After section 15, the following section shall be inserted, namely:-

"15A. *Power of Government to direct local authority to take up schemes*:- Notwithstanding anything contained in this Act, the Government may direct any local authority as defined in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or in the Kerala Municipality Act, 1994 (20 of 1994) to take up schemes for watershed management in the priority areas based on the advice of the Board."

26. *Amendment to Act 4 of 1967*:- In the Kerala Prevention and Control of Animal Disease Act, 1967 (4 of 1967), in clause (a) of sub-section (5) of section 17,-

(a) for item (i), the following item shall be substitute namely:-

"(i) in the office of the village panchayat or the Municipality, as the case may be, within the jurisdiction of which the infected area is situated and in the local veterinary institution and in the Krishi Bhavan;";

(b) in item (ii) for the words "in the office of the National Extension Block", the words "in the office of the Block Panchayat" shall be substituted.

27. *Amendment of Act 20 of 1967*:- In the Kerala Irrigation Works (Execution by Joint Labour) Act, 1967-

(1) in section 2, the existing clause (a) shall be relettered as clause (aa) of that section and before clause (aa) as so relettered, the following clause shall be inserted, namely:-

(a) "local authority" means a panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(2) in section 3,-

(a) in sub-section (1) for the words "or any other officer" the words "or agriculture officers of local authority" shall be substituted;

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(b) in sub-section (3) for the words "or such other officer" the words "or agricultural officer of the local authority" shall be substituted;

(3) in section 4,-

(a) in sub-section (1) for the words "or any other officer" and "or such other officer" the words "or the agricultural officer of the local authority" shall respectively be substituted;

(b) in sub-section (2) for the words "or other officer" the words "or the agricultural officer of the local authority" shall be substituted;

(c) in sub-section (3) for the words "or any other officer" the words "or the agricultural officer of the local authority" shall be substituted;

(d) in sub-section (4) for the words "or any other officer" the word "or the agricultural officer of the local authority" shall be substituted.

(e) in sub-section (5) for the words "or other officer" the words "or the agricultural officer of the local authority" shall be substituted.

(4) in section (5) for the words "or the officer" the words "or the agricultural officer of the local authority" shall be substituted;

28. *Amendement to Act 2 of 1969*:- In the Kerala Parks, Play-Fields and Open spaces (Preservation and Regulation) Act, 1968,-

(1) in section 1,-

(i) for sub-section (4) the following sub-section shall be substituted, namely:-

"(4) It shall apply to every municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994) and every village panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994).

(ii) sub-section (5) shall be omitted;

(2) in section 2,-

(i) for clause (a), the following clause shall be substituted, namely:-

"(a) "Executive Authority" means the Secretary of the Municipality or the village panchayat as the case may be;";

(ii) after clause (a), the following clause shall be inserted, namely:-

"(aa) "local authority" means the village panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(3) in sub-section (4) of section 4,-

(a) for the words "to the Government in writing", the words "to the Appellate Tribunal constituted under section 271 £ of the Kerala Panchayat Raj Act, 1994" shall be substituted;

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(b) in sub-section (5), for the word "Government" the words "the Appellate Tribunal" shall be substituted;

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(c) for sub-section (6), the following sub-section shall be substituted, namely:-

"(6) The Appellate Tribunal shall cause the list as received under sub-section (5) to the published in the Gazettee.";

(4) in section 5,-

(i) for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The local authority concerned may, at any time, either suomotu or on the request of any person interested add to, vary or revoke a list published under section 4 after following the procedure in section 5";

(ii) in sub-section (2),-

(a) for the word "Government" the words "local authority" shall be substituted;

(b) the words "the local authority or" shall be omitted;

(iii) in sub-section (3), for the word "Government" the words "local authority" shall be substituted;

(iv) for sub-section (4), the following sub-section shall be substituted, namely:-

"(4) The Government shall have power to add to the list only after consulting the local authority";

(e) in section 13,-

(i) in the marginal heading, for the words "Control of Government", the words "Role of Government" shall be substituted;

(ii) in sub-section (2), for the words and figures, "Ss. 41, 41A and 42 of the Kerala Municipal Corporations Act, 1961 (30 of 1961) or Ss. 43 and 49 of the Kerala Municipalities Act, 1960 (14 of 1961) or Ss. 48 and 56 of the Kerala Panchayat Act, 1960 (32 of 1960)", the words and figures "sections 188 and 194 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or sections 56 and 61 of the Kerala Municipality Act, 1994 (20 of 1994)" shall be substituted.

(f) section 13A shall be omitted.

29. *Amendment of Act 25 of 1968* :- In the Kerala Public Buildings (Eviction of Unauthorised Occupants) Act, 1968 (25 of 1968),-

(1) in section 2, for clause (b), the following clause shall be substituted, namely:-

"(b) "local authority" means a panchayat at any level constituted under the Kerala Panchayat Raj Act, 1994 or a municipality constituted under the Kerala Municipality Act, 1994 or any other authority, by whatever name called, constituted under any law for the time being in force for the development of any local area;".

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(2) in section 3, for sub-clause (i) of the proviso to clause (a), the following sub-clause shall be substituted, namely:-

"(i) in the case of a local authority the Secretary of the local authority and in the case of any other authority, the executive authority of that authority.".

30. *Amendment of Act 19 of 1971*:- In the Kerala State Housing Board Act, 1971 (19 of 1971),-

(1) in section 2, after clause 9, the following clause shall be inserted, namely:-

"(9A) "local authority" means a Panchayat at any level constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality constituted under the Kerala Municipality Act, 1994 (20 of 1994);

(2) in section 4,-

(a) in clause (c),-

(i) for the word "nine" the word "eleven" shall be substituted;

(ii) after the words "Scheduled Tribes" the words :and of whom two shall be from among the Presidents or Chairpersons of the local authorities" shall be inserted;

(b) after clause (c), the following proviso shall be added, namely:-

"Provided that the term of office of a member nominated from among the Presidents or Chairpersons of the local authorities shall be co terminus with the term of his office as such President or Chairperson.";

(3) after sub-section (2) of section 39, the following sub-section shall be inserted, namely:-

"(3) At the instance of the local authority at with the approval of the Government, the Board shall frame and execute such Schemes for poramboke dwellers and homeless poor as may be proposed by any local authority and approved by Government.

(4) The expenses for execution of the scheme shall be met from a separate fund, namely the Relief Fund to be administered by the Board to which interested persons, institutions, Government owned companies and Corporations, the local authorities and the Board may contribute periodically.:;

(4) after sub-section (2) of section 41, the following sub-section shall be inserted, namely:-

"(3) In respect of loans and advances to private individuals having Government Subsidy, the selection of beneficiaries shall be made by the local bodies on the basis of norms fixed by the Board and all complaints regarding the selection of the beneficiaries shall be settled by the Board. The local bodies shall render necessary assistance to the Board for the recovery of dues from the beneficiaries for such schemes.

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(5) in sub-section (1) of section 45 after the words "the Board

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may, frame" the words "with the previous approval of the local authority concerned" shall be inserted;

(6) in clause (d) of sub-section (1) of section 46, the words "in consultation with the local authority concerned" shall be inserted at the end;

(7) in section 53 for the words "executive officer" the words "Secretary of the local authority" shall be substituted;

(8) for sub-section (1) of section 60, the following shall be substituted, namely:-

"(1) Where a street scheme or any other scheme has the approval of the local authority concerned, such of the provisions of the Kerala Municipality Act, 1994 (20 of 1994) and the Kerala Panchayat Raj Act, 1994 (13 of 1994) as relate to maintenance or repairs of public streets, closure of public streets or parts thereof diverting or turning public streets or parts thereof and in disposal of the land which is no longer required when any public street is permanently closed shall not apply to any street vested in the Board under such scheme";

(9) after section 156, the following section shall be inserted, namely:-

"156A. Implementation of housing scheme for economically weaker section-(1) Any scheme intended to benefit the economically weaker section in the rural or urban area may be planned by the Board in association with the local authority concerned and as far as possible shall be executed by such local authority with the technical advice of the Board, if so required.

(2) The local authority may prepare plan and implement schemes for rural or urban housing for economically weaker section in which case the Board shall render necessary technical advice.

31. *Amendment to Act 25 of 1972*:- In the Kerala Plant Diseases and Pests Act, 1972 (15 of 1972),-

(1) in section 2,

(i) clause (b) shall be omitted;

(ii) after clause (C) the following clause shall be inserted, namely:-

"(cc) "local authority" means a district panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994)".

(2) in clause (d) of section 3, for the words :"the District Collector" the words "the local authority" shall be substituted;

(3) For the words "the District Collector" occurring in sub-section (1) of section 4, sub-section (1) of section 7, clauses (a) and (b) of sub-section (1) of section 8, sub-section (1), (2) and (3) of section 9 and section 12, the words "Secretary of the local authority" shall respectively be substituted.

(4) in section 12, for the words "All Village Officers, Village Extension Officers", the words "The Agricultural Officers in charge of a village panchayat area or a municipal area" and for the words "make a further report to

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the Government" the words "make a report to the local authority concerned and the Government" shall respectively be substituted.

(5) for section 13, the following shall be substituted, namely:-

"13. *Appointment of Inspecting Officers*:- The Government or the local authority concerned may appoint Agricultural Officers in charge of Village Panchayat area or municipal area as Inspecting Officers thereof,";

32. *Amendment to Act 19 of 1976*:- In the Kerla Motor Vehicles Taxation Act, 1976, (19 of 1976), for section 19, the following section shall be substituted, namely:

"19. Sharing of the proceeds of tax with local authorities:- From the proceeds of the tax collected under this Act every year, there shall be paid before the end of the succeeding year to each local authority such share thereof as the Government may form time to time fix with reference to the recommendation, if any, made in this behalf by the State. Finance Commission constituted under Article 243 I, of the Constitution of India".

33. *Amendment to Act 6 of 1977:- In the Kerala Tolls Act, 1976 (6 of 1977)*;-

(1) in section 2, after clause (c) the following clause shall be inserted, namely:-

"(ca) "Local Authority" means a Panchayat at any level constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994)";

(2) after section 3A the following section shall be inserted, namely:-

3AA. *Levy of Toll by local authorities* :- (1) Notwithstanding anything contained in section 3 or section 3A a local authority may level a toll on every motor vehicle entering a bridge constructed by it on any road or land vested in it utilising wholly or partly its own funds or funds raised by it by loans from financial institutions, and declared open for traffic after Ist day of April 2000.

(2) The toll under section (1) shall be levied at such rate and for such period as the local authority may declare to be necessary for the recovery of the amounts expended upon such bridge by the local authority or such portion thereof as may be decided by the local authority together with interest and other overhead charges, at such rates as it may fix.

(3) The toll leviable under this section shall be collected by the local authority in such manner and in accordance with such rules as may be prescribed.

(4) A local authority may take up works on construction of bridges on build operate-transfer basis by giving concession on collecting tolls to the private investor in such manner as may be prescribed.".

34. *Amendment to Act 14 of 1986.* – In the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986),-

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(1) after sub-section (4), of section 18A, the following sub-section shall be added, namely:-

"(5) The Authority shall tender necessary technical services to the local bodies for planning, execution and running of water supply and sewerage schemes in the manner prescribed by Government.

(6) Every local body is free to start their own water supply and sewerage scheme either individually or as groups of local bodies and to fix their own user charges as may be prescribed.".

(2) after section 18A the following section shall be inserted, namely.-

"18B. *Power of Authority to transfer water supply and sewerage services to local bodies*.-(1) Notwithstanding anything contained in this Act, the Authority.-

(a) shall transfer any water supply scheme or sewerages service covering the area of a single village panchayat; and

(b) may transfer any water supply scheme or sewerage service covering the area of a single municipality on a request from such village panchayat or the municipality, as the case may be in the manner, as may be prescribed.

(2) The Authority may, if they consider it necessary to do so, transfer any water supply or sewerages services to the village Panchayat or the municipality concerned in the manner as may be prescribed.

(3) The Authority shall render all necessary technical services to the local bodies for planning, execution and running of water supply and sewerage services of which are transferred under sub-sections (1) and (2) in the manner as may be prescribed.

(4) The Authority may collect from the local bodies concerned necessary tariff for street taps provided by it within the local limits of the said local bodies at the rates as may be fixed by Government.".

18C. ** ** ** **

** ** ** **

(3) after sub-section (3) of section 40, the following sub-section shall be added, namely:-

"(4) for schemes operated by the Authority, necessary tariff for street taps may be collected from the local bodies at the rate fixed by the Government. Government may deduct the tariffs from grants due to the local bodies. Where any doubt or dispute between the local body and the Authority in regard to the assessment of the tariff such doubt or dispute shall be referred to an appellate authority prescribed by the government and its decision thereon shall be final.".

35. *Amendment to Act 15 of 1989*.- In the Kerala Public Libraries (Kerala Grandhasala Sanghom) Act, 1989 (15 of 1989).

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(1) in sub-section (2) of section 3, after the words "elected by the general body of District Library Council" the words "four members elected from amoing the District Panchayat members in the district," shall be inserted.

(2) in clause (i) of sub-section (1) of section 8, item (iv) and (vi) shall be omitted.

(3) the proviso to sub-section (1) of section 10 shall be omitted;

(4) in sub-section (1) of section 11,-

(i) in clause (b) the last word "and" shall be omitted.

(ii) after clause (c), the following clauses shall be inserted, namely:-

"(d) one member each from the district elected from among the District Panchayat members, thereof; and

(e) one member elected from among the members of the Municipalities in the district.".

(5) the proviso to sub-section (1) of section 18 shall be omitted.

(6) for sub-section (1) of section 19, the following sub-section shall be substituted, namely:-

(1) Every Taluk Library Council shall consist of,-

(a) two members elected from among the village Panchayat presidents in the taluk;

(b) one member elected from among the municipal chairperson (if any) in the taluk; and

(c) two representatives of each affiliated library in the taluk."

(7) in sub-section (1) of section 29, after the words :District Library Council may" the words" in consultation with the District Planning Committee" shall be inserted.

(8) in section 48,-

(i) for sub-section (2) and the proviso hereunder, the following shall be substituted, namely:-

"(2) Notwithstanding anything contained in the Kerala Panchayat Raj Act, 1994 (13 of 1994) or in the Kerala Municipality Act, 1994 (20 of 1994), the cases levied under sub-section (1) shall be collected in an area within the jurisdiction of a village panchayat by that village panchayat and in an area within the jurisdiction of a municipality, by that municipality as if the cess were **** a property tax payable under the said Acts as the case may be, and the provisions of the said Acts as far as the procedure for collection of tax shall apply accordingly."

(ii) for sub-section (3), the following sub-section shall be substituted, namely:-

(3) The cess collected under sub-section (2), less collection charges at the rate specified by the Government, shall be paid to the State Library Council

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by the Village Panchayat or the Municipality, as the case may be within three months from the date of such collection:

Provided that the cess collected by a municipality or a village panchayat under this Act is not paid on or before the due date, the concerned local authority shall pay the said amount to the State Library Council together with penality at the rate of two percent per mensem from the date from which it was due:

Provided further that the secretary and president or chairperson of the local authority concerned shall be jointly responsible for all belated payments and any amount paid to the state library council by way of penality shall be realised from such secretary and president or chairperson of the local authority.".

36. *Repeal of certain enactment and savings.*-(1) The Kerala Hackney Carriage Act, 1963 (18 of 1963) and the Kerala Additional Tax on Entertainment and Surcharge on Show Tax Act, 1963 (22 of 1963) as hereby repealed.

Provided that the repeal shall not affect-

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, priviiege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penality, forfeiture or punishment incurred in respect of any offence committed against any law so repealed.

(2) subject to the provisions contained in sections 37 and 38 the Kerala State Rural Development Board Act, 1971 (15 of 1971) is hereby repealed.

37. *Transfer of assets and liabilities of the Rural Development Board to the Government.*- (1) On the date of coming into force of this section Kerala State Rural Development Board constituted under the Kerala State Rural Development Board Act, 1971 (15 of 1971) (hereinafter referred to as the Board) shall stand dissolved and all its assets and liabilities shall stand transferred to and vested in the Government.

(2) The assets of the Board shall be deemed to include all rights and powers and all property, whether movable or immovable, belonging to or vested in the Board including in particular, cash balance, reserve funds, provident fund, superannuation fund, investments, deposit and all other interest and rights in or arising out of such property as may be in the possession of the Board and all book of account or documents kept or maintained by the Board and the liabilities of the Board shall be deemed to include all debts, liabilities and obligations of whatever kind then existing and pertaining to the Board.

38. *Effect of vesting of assets and liabilities of the Board.*-(1) Unless otherwise expressly provided by or under this Act, all contrast and agreement and other instruments of whatever nature subsisting or having effect immediately before the date of publication of this Act in the Gazette and to which the board is a party or which are in favour of the Board shall be of as full force and effect

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against or infavour of the Government as the case may be and may be enforced of acted upon as fully and effectually as if, instead of the board, the Government had been a party thereto or as if they had been entered into or issued in favour of the Government.

(2) If on the date of publication of this Act in the Gazettee any suit appeal or other legal proceedings of whatever nature by or against the board is pending, them, it shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer to Government of the assets and liabilities of the Board but the suit, appeal or other legal proceedings may be continued, prosecuted and enforced by or against the Government.

(3) Every whole time employee of the Board shall, on the date of publication of this act in the gazette, become an employee of the Government with such designation as the Government may determine and shall hold his office therein by the same tenure, at the same remuneration and on the same terms and conditions of service and with the same rights and privileges as to pension and gratuity, if any, and other matters as he would have held the same if this Act had not been passed.

(4) If any question arises as to whether any person as a whole time employee of the Board, the question shall be decided by the Government and the decision of the Government shall be final.

(5) Notwithstanding anything contained in section 37, the Government may, be order in writing.-

(a) direct that the assets and liabilities of the Board vested in them under that section shall instead of continuing to vest in the Government vest in a company to be constituted by the Government for arranging institutional finance to panchayats and municipalities; or

(b) entrust to a panchayat or a municipality for management for such period and on such terms and conditions as may be specified in the order, and

(c) direct that the whole time employees of the Board transferred to Government shall stand transferred to the company referred to in clause (a) with effect from such date as may be specified in the order.

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